

COMMONWEALTH OF MASSACHUSETTS  
APPEALS COURT

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No. 2014-P-1377

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COMMONWEALTH OF MASSACHUSETTS,  
Appellant,

V.

JAMIL J. CAMPBELL,  
Defendant-Appellee

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BRIEF AND APPENDIX  
FOR THE COMMONWEALTH ON APPEAL  
FROM A JUDGMENT OF THE CENTRAL DIVISION OF THE  
BOSTON MUNICIPAL COURT

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SUFFOLK COUNTY

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### ISSUES PRESENTED

I. Whether this Court should remand the case to the Boston Municipal Court for a new evidentiary hearing because it appears from the docket that Judge Johnson had retired from the bench before issuing the decision, and there is, therefore, no valid order on the defendant's motion to suppress.

II. Whether this Court should reverse Judge Johnson's order suppressing the firearm, ammunition, and the defendant's statements because Trooper Hannon properly impounded the car and conducted an inventory search during which he discovered a .9mm handgun.

III. Whether this Court must remand the case for a new suppression hearing if it desires additional findings of fact.

### STATEMENT OF THE CASE

This case is before the Court on the Commonwealth's interlocutory appeal from the allowance of the defendant Jamil Campbell's motion to suppress evidence and statements in the Central Division of the Boston Municipal Court.

On August 28, 2013, the Boston Municipal Court issued a criminal complaint against the defendant,

Jamil Campbell, charging him with unlawful possession of a firearm, in violation of G.L. c. 269, § 10(a); unlawful possession of a loaded firearm, in violation of G.L. c. 269, § 10(n); unlawful possession of ammunition, without an FID card, in violation of G.L. c. 269, § 10(h); use of a motor vehicle without authority, in violation of G.L. c. 90, § 24; and failure to stop, a civil motor vehicle infraction, in violation of G.L. c. 89, § 9 (docket no. 1301JC000587-2) (C.A.1-2).<sup>1</sup>

On May 1, 2014, the defendant filed motions to suppress evidence and statements (C.A.14, 18-25), and on May 14 2014, the Honorable Charles Johnson held a hearing, after which he took the motions under advisement (C.A.8-9, 14-15). On the next court date, June 11, 2014, he had not yet issued a decision on the motion to suppress (C.A.8, 15). Judge Johnson retired on July 5, 2014. The case was next called before Judge Coyne in the Central Division of the Boston Municipal Court on July 10, 2014 (C.A.7-8, 16). At

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<sup>1</sup> In this brief, references to the Commonwealth's record appendix will be cited as (C.A.\_\_); references to the transcript of the suppression hearing will be cited as (Tr.\_\_); and exhibits from the motion hearing will be referenced as (Ex.\_\_).

that time, no decision on the motion to suppress appeared on the docket, and no decision or order was in the court file. Judge Coyne retained jurisdiction over the case (C.A.7, 16). On July 11, 2014, the motion prosecutor received a voicemail from the clerk's office that Judge Johnson had allowed the motion to suppress. The case docket indicates that the defendant's motion to suppress was allowed that day (C.A.7, 16). The Commonwealth filed a notice of appeal on July 14, 2014 (C.A.36), and requested written findings. That day, the prosecutor received a message from the judges' lobby at the Boston Municipal Court, Central Division, that Judge Johnson would be unavailable to provide written findings. On July 16, 2014, the prosecutor received an email from defense counsel. Attached to it was Judge Johnson's allowance of the defendant's motion to suppress, dated July 1, 2014 (C.A.34-35). Judge Johnson's decision appeared to have been faxed from the clerk's office to defense counsel on July 16, 2014 (C.A.34-35). The decision does not include any written findings.

On July 21, 2014, the Commonwealth requested additional time until August 4, 2014, to file an

application for leave to appeal (C.A.16, 37-40). Judge Coyne granted that request on July 25, 2014 (C.A.17, 37).

On August 4, 2014, the Commonwealth filed its application for leave to appeal, which the single justice (Lenk, J.) allowed on September 2, 2014 (C.A.41). The case was entered in this Court on November 4, 2014.

#### **STATEMENT OF FACTS**

##### ***A. The Commonwealth's Evidence at the Suppression Hearing***

On August 17, 2013, around 4:30 p.m., State Police Trooper Thomas Hannon was monitoring the flow of traffic in the area of the Heath Street rotary in the Roxbury neighborhood of Boston (Tr.5-7). He has been a State Police trooper for nine years (Tr.6). He was familiar with the area around the Heath Street rotary because of a lot of gang violence, and an increase in shootings over recent months (Tr.6).

Unlike most rotaries, this one has stop signs at certain entrances to the rotary (Tr.7). Trooper Hannon saw a blue Dodge sedan fail to stop at the stop sign entering the rotary from New Heath Street (Tr.7,



29). In response, Trooper Hannon pulled out behind the car, activated his emergency lights, and gave a short signal with his siren (Tr.8). The car pulled over in the area of 90 Heath Street (Tr.8). The area is residential, and Heath Street is a two-way, non-divided road with a double yellow line in the middle (Tr.8). There is parking permitted on one side of the street (Tr.25). The street is busy with traffic throughout the day (Tr.24).

Upon approaching the car, Trooper Hannon saw that it was occupied only by a male driver (Tr.9).<sup>2</sup> Trooper Hannon asked the defendant for his license and registration (Tr.10). The defendant presented a Massachusetts driver's license bearing his name,<sup>3</sup> and an Enterprise rental agreement (Tr.10, 29; Ex.1). The rental agreement listed a Pamela Gillard as the only authorized driver of the car (Tr.11, 29; Ex.1).

Trooper Hannon told the defendant that the car would be towed because it was being used without

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<sup>2</sup> Trooper Hannon and later Trooper McCarthy identified the defendant in the courtroom (Tr.9, 38).

<sup>3</sup> A record check revealed that the defendant had an active driver's license, that he did not have a license to carry a firearm, and that he had a default warrant for failing to appear for jury duty (Tr.21).

authority, and he asked him to exit the car (Tr.12). The defendant complied (Tr.12). For his safety, Trooper Hannon placed the defendant in the back of his cruiser, without handcuffing him (Tr.16).

Based on the Massachusetts State Police policies for towing and inventorying a motor vehicle (Tr.13; Ex.2, 3), Trooper Hannon began to conduct an inventory search of the car (Tr.13-14). He began by opening the driver's side door and made his way to the center console, where he found a .9mm handgun (Tr.14; Ex.4). The weapon was "on fire" (Tr.15). There were six rounds of ammunition in the magazine, but no round in the chamber (Tr.15).

After finding the gun, Trooper Hannon read the defendant the Miranda warnings from a card supplied to him by the State Police (Tr.16-17). He then asked the defendant if he had a license to carry (Tr.17). The defendant responded: "No. I got problems with some dudes and bought the gun on the street for my protection" (Tr.18, 40).

Trooper Hannon radioed for backup, and Trooper McCarthy arrived and assisted with the inventory search (Tr.16, 19, 37-38). Underneath some clothing

in the back seat, Trooper McCarthy found a box containing 18 rounds of .9mm Laser Luger ammunition (Tr.19, 38-39; Ex.5).

The defendant was arrested and transported to the State Police barracks (Tr.21). Trooper Hannon issued him a citation for failure to stop at a stop sign and use of a motor vehicle without authority (Tr.21-22; Ex.6).

***B. The Defendant's Evidence at the  
Suppression Hearing***

The defendant called Jonathan Ramones, an investigator for the Committee on Public Counsel Services (Tr.41-42). He determined that on the right-hand side of Heath Street parking is permitted, except during snow emergencies (Tr.44).

The defendant testified that he was in the area of the Heath Street rotary on August 17, 2013, around 4:30 p.m. (Tr.47-48). He was driving his mother Pamela Gillard's rental car (Tr.49). She had given him permission to use it (Tr.49). Before entering the Heath Street rotary, he came to a complete stop (Tr.48-49). He could see a State Police trooper to his right (Tr.49). When he was halfway through the

rotary, the trooper's lights came on (Tr.49-50). In response, the defendant parked in a safe place (Tr.50). He could see the trooper exit his car, with his hand on his holster (Tr.51). When the trooper reached his car, he told the defendant this is a rental car, right? (Tr.51). The defendant told the trooper that it was his mother's rental car (Tr.51). The trooper asked whether he was on the agreement, and the defendant responded that he was not, but that his mother had given him permission to use the car (Tr.51). The trooper told him "you know the rules. If you're not on the [rental] car agreement I can search the car" (Tr.51).

Next, the trooper asked for his license and the rental agreement, which the defendant provided (Tr.51-52). The trooper walked back to his cruiser, placed the documents on his passenger seat and returned to the defendant's car (Tr.52). At this point, the defendant was on the phone with his mother (Tr.52). His mother spoke with the trooper and told him that the defendant had permission to use the car (Tr.52).

After the conversation ended, the trooper asked him to step out of the car, and he complied (Tr.52).

The trooper told him he was not under arrest, searched him and placed him in the back of the cruiser without handcuffs (Tr.52-53). After five to ten minutes, other officers arrived (Tr.53-54). The trooper began searching the car (Tr.53). He then returned to the defendant, took him out of the cruiser, placed him in handcuffs, searched him again, and told him he would be arrested (Tr.54). The defendant did not know a firearm and a box of ammunition were in the car (Tr.59-60). Trooper Hannon asked him if he had a license to carry, and he told him he did not (Tr.61-62).

The defendant was never informed of his Miranda rights until he was already on his way to the barracks (Tr.54-55, 62). He did not say anything after trooper Hannon read him his rights (Tr.55).

#### *C. Judge Johnson's Decision*

In allowing the defendant's motion to suppress, Judge Johnson endorsed it as follows:

Allowed: Trooper Hannon lawfully stopped Mr. Campbell's vehicle for failure to stop at a posted stop sign as required by law. However, the absence of Mr. Campbell's name on the "Enterprise Rental" agreement without more is not sufficient justification under the circumstances

presented for the arrest of Mr. Campbell for "Use w/out authority" or any of the other consequences which befell Mr. Campbell as a result of the traffic stop by Trooper Campbell [sic]. The gun, ammunition and the statements made by Mr. Campbell should be suppressed and not admitted at trial.

Johnson, J.  
July 1, 2014

(C.A.34-35).

#### ARGUMENT

- I. THIS COURT SHOULD REMAND THE CASE TO THE BOSTON MUNICIPAL COURT FOR A NEW EVIDENTIARY HEARING BECAUSE IT APPEARS FROM THE DOCKET THAT JUDGE JOHNSON HAD RETIRED FROM THE BENCH BEFORE ISSUING THE DECISION, AND THERE IS, THEREFORE, NO VALID ORDER ON THE DEFENDANT'S MOTION TO SUPPRESS.

This Court should remand the case to the Boston Municipal Court for a new suppression hearing because Judge Johnson retired from the bench before a suppression order was entered on the docket of this case. The Honorable Charles Johnson retired on July 5, 2014. See [http://judgepedia.org/Charles\\_R\\_Johnson](http://judgepedia.org/Charles_R_Johnson). As a result, when the decision allowing the defendant's motion to suppress was entered on the docket of this case on July 11, 2014 (C.A.7, 16), Judge Johnson was no longer as sitting judge. Notwithstanding that fact, the handwritten endorsement of the decision shows a date of July 1, 2014 (C.A.34).

On July 10, 2014, however, when the case was called before Judge Coyne in the Central Division of the Boston Municipal Court, no decision on the motion to suppress appeared on the docket and no decision or order was in the court file. It was not until the next day, July 11, 2014, that the motion prosecutor received a voicemail from the clerk's office that Judge Johnson had allowed the motion to suppress, in contrast with the docket entry on the case (C.A.7, 16). See *Commonwealth v. Quint Q.*, 84 Mass. App. Ct. 507, 508 n.2 (2013) (Court took judicial notice of docket entry to refute claim that Commonwealth's application for leave to appeal had been filed late); *Commonwealth v. Velez*, 2014 Mass. App. LEXIS 162, \*2-3 (Dec. 9, 2014) (in jail credit case, Court accepted information contained in docket sheet over record provided by Nashua Street jail keeper of records).

Here, the handwritten endorsement, dated July 1, 2014, did not appear in the court file or on the docket on July 10, 2014. Word was received from the clerk's office on July 11, 2014, that Judge Johnson had allowed the motion to suppress. In addition the endorsement was first faxed from the Boston Municipal

Court to defense counsel on July 16, 2014 (C.A.34-35). Under those circumstances, this Court, too, should rely on the Court's docket and determine that the motion to suppress was not allowed until July 11, 2014. See *Quint O.*, 84 Mass. App. Ct. at 508 n.2.

On July 11, 2014, when the suppression order was entered on the docket, Judge Johnson was no longer sitting on the bench. The decision is, therefore, not valid. A retired judge "may seek to be recalled to serve as a judge under G.L. c. 32, § 65G (1986 ed.), but he has no right to be recalled." *Apkin v. Treasurer & Receiver General*, 401 Mass. 427, 428 (1988). Chapter 32, § 65G provides in pertinent part that "(a) Any justice of a department of the trial court who is retired from his office may notify the chief justice of the supreme judicial court in writing that he wishes his name to be placed upon the list of retired justices of the trial court of the commonwealth" and "(b) A retired justice whose name has been placed on a list of retired justices shall be eligible, for a term of two years, to perform judicial duties." G.L. c. 32, § 65G(a-b). The wording of this statute suggests that a retired judge whose name has



not been placed on the list of retired justices of the trial court, is not eligible to perform judicial duties.<sup>4</sup> On July 11, 2014, when the motion to suppress was allowed in this case, Judge Johnson was not eligible to perform judicial duties. His suppression order is, therefore, null and void. As a result, this Court should remand the case to the Boston Municipal Court for a new suppression hearing.

**II. THIS COURT SHOULD REVERSE JUDGE JOHNSON'S ORDER SUPPRESSING THE FIREARM, AMMUNITION, AND THE DEFENDANT'S STATEMENTS BECAUSE TROOPER HANNON PROPERLY IMPOUNDED THE CAR AND CONDUCTED AN INVENTORY SEARCH DURING WHICH HE DISCOVERED A .9MM HANDGUN.**

If this Court were to hold that Judge Johnson's suppression order was issued prior to his retirement, it should reverse it. Under the familiar standard applicable to suppression hearings, a reviewing court will accept the motion judge's finding of fact based on a motion to suppress unless there is clear error. *Commonwealth v. Isaiah I.*, 450 Mass. 818, 821 (2008);

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<sup>4</sup> Notwithstanding the statute, art. 98 of the Amendments to Part II, c. 3, art. 1 of the Massachusetts Declaration of Rights prohibits any person over the age of seventy years from exercising judicial authority. This amendment made "compulsory the retirement of all judges in the Commonwealth who reach the age of seventy." *Opinion of the Justices*, 362 Mass. 895, 900 (1972).

*Commonwealth v. Sanna*, 424 Mass. 92, 97 (1997); *Commonwealth v. Yesilciman*, 406 Mass. 736, 743 (1990). It is the Court's duty to "make an independent determination of the correctness of the judge's application of constitutional principles to the facts as found." *Commonwealth v. Bostock*, 450 Mass. 616, 619 (2008) (quoting *Commonwealth v. Mercado*, 422 Mass. 367, 369 (1996)).

In *Commonwealth v. Isaiah I.*, 448 Mass. 334, 339 (2007), the Supreme Judicial Court said that:

Findings of fact are factual deductions from the evidence, essential to the judgment in the case. Such findings should be stated clearly, concisely and unequivocally, and be worded so that they are not susceptible of more than one interpretation. A judge should rely on the facts derived from the evidence to reach the ultimate facts that resolve the case in light of applicable law. The judge's findings as to ultimate facts should be founded on reasonable inferences that flow logically from the evidentiary facts.

*Id.* at 339 (citations omitted).

"Appellate courts may supplement a judge's finding of facts if the evidence is uncontroverted and undisputed and where the judge explicitly or implicitly credited the witness's testimony." *Id.* (citing *Commonwealth v. Alvarado*, 423 Mass. 266, 268

n.2 (1996); *Commonwealth v. Santiago*, 410 Mass. 737, 738 n.2 (1991)). In order to do so, the Court must be confident that the supplementary material is uncontroverted and "that the motion judge explicitly or implicitly credited the witness's testimony." *Commonwealth v. Scott*, 52 Mass. App. Ct. 486, 492 (2007).

Review of Judge Johnson's endorsement of the defendant's motion to suppress indicates that he found the following facts: that the defendant failed to stop at the posted stop sign, was lawfully stopped, and that the trooper then properly determined that defendant's name did not appear on the Enterprise rental agreement (C.A.26, 34-35).<sup>5</sup> Based on these facts, Judge Johnson concluded that Trooper Hannon conducted a lawful traffic stop, and that he did not have sufficient justification to arrest the defendant for use of a motor vehicle without authority (C.A.34-35).

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<sup>5</sup> These meager findings of fact nonetheless indicate that Judge Johnson credited the testimony of Trooper Hannon that the defendant failed to stop at the stop sign (Tr.7) and discredited the testimony of the defendant that he came to a proper stop (Tr.48).

Failure to stop at a posted stop sign is a civil motor vehicle infraction, pursuant to G.L. c. 89, § 9, which provides in pertinent part that "[e]xcept when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign or a flashing red signal indication shall stop." Trooper Hannon's stop of the defendant's car was thus lawful. *Commonwealth v. Feyenord*, 445 Mass. 72, 75 (2005) (citing *Commonwealth v. Santana*, 420 Mass. 205, 207 (1995) (quoting *Commonwealth v. Bacon*, 381 Mass. 642, 644 (1980) ("Where the police have observed a traffic violation, they are warranted in stopping a vehicle")))).

Judge Johnson, however, erred when he determined that Trooper Hannon did not have "sufficient justification" to arrest the defendant on the basis that his name did not appear on the Enterprise rental agreement (C.A.34-35). Trooper Hannon testified that the defendant provided him with a valid Massachusetts driver's license. In addition, the defendant gave him a rental agreement that listed Pamela Gillard as the "renter" of the car, and specifically noted "no other drivers permitted" (C.A.26; Ex.1). Based on this

information, Trooper Hannon necessarily concluded that the defendant was not permitted to drive the car.

"In order to expand a threshold inquiry of a motorist and prolong his detention, an officer must reasonably believe that there is further criminal conduct afoot, and that belief must be based on 'specific and articulable facts and the specific reasonable inferences which follow from such facts in light of the officer's experience.'" *Commonwealth v. Watts*, 74 Mass. App. Ct. 514, 517 (2009) (quoting *Feyenord*, 445 Mass. at 77). Those specific and articulable facts were present here.

*Commonwealth v. Henley*, 63 Mass. App. Ct. 1 (2005), is the controlling case at bar. There, the Appeals Court held that the police properly conducted an inventory search and impounded the car, where none of the three occupants of the car were listed as authorized drivers on the Avis rental agreement, and despite the fact that two of them had valid licenses. *Id.* at 3-5. The Court further held that the trooper in *Henley* was under no obligation to contact the rental company, or to obtain permission from the person listed on the rental agreement as the sole

authorized driver, who was not present at the scene. *Id.* at 6. The trooper properly impounded the car and searched it pursuant to the State Police inventory policy. *Id.*

This case is also similar to *Watts*, where, after being stopped by the police for failing to stop at a stop sign, the defendant provided the officer with a valid driver's license and an expired Enterprise rental agreement in lieu of a registration. *Watts*, 74 Mass. App. Ct. at 515-16. The Court held that, after the officer determined that the defendant was no longer authorized to use the car, he could have impounded it. *Id.* at 518.<sup>6</sup>

"Under both the Federal and Massachusetts Constitutions, analysis of the legitimacy of an inventory search of an impounded vehicle involves two related, but distinct, inquiries: (1) whether the impoundment of the vehicle leading to the search meet constitutional strictures, and (2) whether the conduct and scope of the search itself meet those strictures."

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<sup>6</sup> The Court in *Watts* did not address the question whether the officer could have arrested the defendant for use of a motor vehicle without authority, in violation of G.L. c. 90, § 24(2)(a). *Watts*, 74 Mass. App. Ct. at 518 n.4.

*Commonwealth v. Ellerbe*, 430 Mass. 769, 772-73 (2000). See *Commonwealth v. Brinson*, 440 Mass. 609, 612 (2003) (lawfulness of inventory search contingent on propriety of impoundment). Upon conducting the inventory search in *Henley*, the trooper encountered a strong odor of marijuana when opening the trunk. *Henley*, 63 Mass. App. Ct. at 6. This provided him with probable cause that the car contained contraband.<sup>7</sup> *Id.* He could then place the occupants under arrest and "conduct an investigatory search of the vehicle and its contents." *Id.* (citing *Commonwealth v. Motta*, 424 Mass. 117, 123-24 (1997) (probable cause and inherent mobility of automobile justified warrantless search of vehicle stopped in public place)). As a result, the Court affirmed the denial of the defendant's motion to suppress. *Id.* at 2.

Although the ultimate discovery of contraband in *Henley* was based on a probable cause search, the initial inventory search that the Court condoned is the controlling rule at bar. Here, Trooper Hannon learned from the rental agreement that - albeit

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<sup>7</sup> This case was decided before the addition of G.L. c. 94C, § 32L in 2008.

licensed - the defendant was not authorized to drive the car (Tr.10-11).<sup>8</sup> He did not have to contact Enterprise or Pamela Gillard to obtain permission for the defendant to drive. See *id.* at 6; see also *Commonwealth v. Eddington*, 459 Mass. 102, 108 (2011) (police are not required to contact or wait for an individual to come and drive the car away).

According to his testimony at the suppression hearing, Trooper Hannon then decided to impound the car pursuant to the State police policy TRF-09, which was admitted in evidence at the suppression hearing (C.A.27-30; Ex.2-3). This decision was proper because the car would have been left in an area known for gang violence and recent shootings (Tr.8).<sup>9</sup> See *Ellerbe*, 430 Mass. at 775 (evidence that vehicle left overnight could be vandalized or stolen together with need to protect police from false claims justified impoundment).

In order to conduct an inventory search in accordance with State police policy TRF-10 (C.A.31-33;

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<sup>8</sup> The defendant does not dispute that his name did not appear on the rental agreement, but claims that he had his mother's permission to use the car (Tr.49).

<sup>9</sup> These facts are uncontroverted.



Ex.3), the trooper placed the defendant in the backseat of his cruiser without arresting or handcuffing him. See *Commonwealth v. Sinforoso*, 424 Mass. 320, 325 (2001) (stop does not automatically become arrest because suspect is not free to leave). The inventory policy provides for a search of the interior of the car (C.A.32; Ex.3). Trooper Hannon only had to look to the center console, where he found the loaded .9mm firearm (Tr.14-15).

Trooper Hannon testified that he read the defendant his Miranda rights from a card (Tr.16-17), before asking him whether he had a license to carry a firearm (Tr.17-18). When the defendant answered in the negative (Tr.18), the trooper had probable cause to arrest him for unlawful possession of a firearm.<sup>10</sup> Independently of the defendant's statements, Trooper Hannon had also learned from dispatch that the defendant had a valid driver's license, did not have a license to carry, and that he had an outstanding

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<sup>10</sup> These facts are in dispute because the defendant testified that he did not receive Miranda warnings until after he was arrested and on his way to the State Police barracks (Tr.55). He claims that he did not make any statements after he was read his rights (Tr.55).

warrant for failing to appear for jury duty (Tr.21). Compare *Commonwealth v. Toole*, 389 Mass. 159, 164 (1983) (police did not have probable cause to believe that the defendant illegally carried weapon until they ascertained that he was not licensed to carry); with *Commonwealth v. Fitzgibbons*, 23 Mass. App. Ct. 301, 309 (1986) (finding weapon in car gave probable cause for the ensuing arrest).

The Commonwealth has demonstrated that, even based on the limited facts found by Judge Johnson and additional uncontroverted facts, his decision to allow the defendant's motion to suppress was wrong because Trooper Hannon discovered the firearm and subsequently the ammunition during a proper inventory search of the car the defendant was driving. This Court should therefore, reverse the order allowing the defendant's motion to suppress.

**III. IF THIS COURT DESIRES ADDITIONAL FINDINGS OF FACT, IT MUST REMAND THE CASE FOR A NEW SUPPRESSION HEARING.**

In his decision, Judge Johnson made very sparse findings of fact (C.A.34-35). The only facts that he appears to have found are that there was a lawful traffic stop, and that the defendant's name does not

appear on the automobile rental agreement as an authorized user (C.A.26, 34-35). Moreover, upon the Commonwealth's request for written findings, Judge Johnson conveyed to the parties through the judges' lobby that he would not be available to provide additional written findings.

As a result, if this Court desires additional findings of fact, it must remand the case to the Central Division of the Boston Municipal Court for a new suppression hearing.<sup>11</sup> See *Commonwealth v. Dalton*, 467 Mass. 555, 559 (2014) (Court remanded case to the "single justice with instructions to vacate the judge's order relieving the defendant of the obligation to register as a sex offender, and to remand the case to the Superior Court for a further hearing").

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<sup>11</sup> If this Court were inclined not to order a new suppression hearing, but to rely on the facts as testified to at the initial hearing, the Court also does not need to remand the case to the Boston Municipal Court. Under those circumstances, this Court would be in the same position to make credibility determinations based on the transcript of the proceedings as a judge in the Boston Municipal Court.

CONCLUSION

For the foregoing reasons, the Commonwealth respectfully requests that this Honorable Court remand the case to the Boston Municipal Court for a new suppression hearing, or, in the alternative, reverse the motion judge's order allowing the defendant's motion to suppress.

Respectfully submitted  
FOR THE COMMONWEALTH,

DANIEL F. CONLEY  
District Attorney  
For the Suffolk District

  
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DECEMBER 2014

ADDENDUM**Massachusetts Declaration of Rights, art. 98 of the Amendments to Part II, c. 3, art. 1 Tenure of judicial officers**

The tenure, that all commissioned officers shall by law have in their offices, shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this Constitution; provided, nevertheless, the governor, with the consent of the council, may remove them upon the address of both houses of the legislature; and provided, also, that the governor, with the consent of the council, may after due notice and hearing retire them because of advanced age or mental or physical disability; and provided further, that upon attaining seventy years of age said judges shall be retired. Such retirement shall be subject to any provisions made by law as to pensions or allowances payable to such officers upon their voluntary retirement.

**G.L. c. 32, § 65G Justices of the trial court, temporary service**

(a) Any justice of a department of the trial court who is retired from his office may notify the chief justice of the supreme judicial court in writing that he wishes his name to be placed upon the list of retired justices of the trial court of the commonwealth. Said chief justice may place the name of any such justice on the list of retired justices for the trial court of the commonwealth. With respect to those whose names have been placed on such list upon retirement, any retired justice or any surviving spouse of a retired justice shall be entitled to the same pension and all other benefits which he or his surviving spouse would have been entitled to receive if he had retired without his name having been placed on such list, notwithstanding any other law to the contrary, and a vacancy shall exist in the office theretofore occupied by such retired justice.

(b) A retired justice whose name has been placed on a list of retired justices shall be eligible, for a term of two years, to perform judicial duties only as provided in section fourteen of chapter two hundred and eleven B, provided that he likewise shall be eligible to perform judicial duties for succeeding two year terms upon request, with the reapproval of the chief justice of the supreme judicial court, for each succeeding term.

(c) If such retired justice no longer wishes to be eligible to perform judicial duties pursuant to section fourteen of said chapter two hundred and eleven B, he may at any time after having his name placed upon a retired list resign his office.

(d) A retired justice eligible to perform judicial duties shall not engage in the practice of law directly or indirectly, and shall not hold any office which is incompatible with holding the office of a justice of the trial court of which he is on the retired list under the provisions of Article II of Chapter VI of Part the Second of the Constitution of the Commonwealth or of Article VIII of the Amendments thereto.

(e) Any justice who has been retired from any predecessor court to a department, or a division thereof, of the trial court, shall be eligible for service as hereinbefore provided to the same extent as if he had been retired from the trial court.

#### **G.L. c. 89, § 9 Failure to stop**

The department of highways may designate any state highway or part thereof as a through way and may designate intersections or other roadway junctions with state highways at which vehicular traffic on one or more roadways should stop or yield and stop before entering the intersection or junction, and the department may, after notice, revoke any such designation. The department of highways on any state highway or part thereof so designated as a through way, or on any way where the department has designated such way as intersecting or joining with a state highway, shall erect and maintain stop signs, yield signs and other traffic control devices.

The local authorities of a city or town authorized to enact ordinances or by-laws, or make rules, orders or regulations under the provisions of section twenty-two of chapter forty may in accordance with the provisions of section two of chapter eighty-five of the General Laws, including department approval when required, designate any way or part thereof under the control of such city or town as a through way and may designate intersections or other roadway junctions at which vehicular traffic on one or more roadways shall stop or yield and stop before entering the intersection or junction, and may, after notice and like department approval, when required, revoke any such designation. Such local authorities of a city or town having control of any way or part thereof so designated as a through way shall erect and maintain stop signs, yield signs and other traffic control devices at such designated intersections or junctions.

Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign or a flashing red signal indication shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways.

The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to

constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways; provided, however, that if such a driver is involved in a collision with a vehicle in the intersection or junction of roadways, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield the right of way.

The driver of a motor vehicle shall not cross or enter an intersection, which it is unable to proceed through, without stopping and thereby blocking vehicles from travelling in a free direction. A green light is no defense to blocking the intersection. The driver must wait another cycle of the signal light, if necessary.

For the purposes of this section the word, "vehicle", shall include a trackless trolley.

Any person violating the provisions of this section shall be punished by a fine not to exceed \$150 for each offense.

**G.L. c. 90, § 24 Use of motor vehicle without authority**

\* \* \*

(2) (a) Whoever upon any way or in any place to which the public has a right of access, or any place to which members of the public have access as invitees or licensees, operates a motor vehicle recklessly, or operates such a vehicle negligently so that the lives or safety of the public might be endangered, or upon a bet or wager or in a race, or whoever operates a motor vehicle for the purpose of making a record and thereby violates any provision of section seventeen or any regulation under section eighteen, or whoever without stopping and making known his name, residence and the register number of his motor vehicle goes away after knowingly colliding with or otherwise causing injury to any other vehicle or property, or whoever loans or knowingly permits his license or learner's permit to operate motor vehicles to be used by any person, or whoever makes false statements in an application for such a license or learner's permit, or whoever



knowingly makes any false statement in an application for registration of a motor vehicle or whoever while operating a motor vehicle in violation of section 8M, 12A or 13B, such violation proved beyond a reasonable doubt, is the proximate cause of injury to any other person, vehicle or property by operating said motor vehicle negligently so that the lives or safety of the public might be endangered, shall be punished by a fine of not less than twenty dollars nor more than two hundred dollars or by imprisonment for not less than two weeks nor more than two years, or both; and whoever uses a motor vehicle without authority knowing that such use is unauthorized shall, for the first offense be punished by a fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment for not less than thirty days nor more than two years, or both, and for a second offense by imprisonment in the state prison for not more than five years or in a house of correction for not less than thirty days nor more than two and one half years, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment; and whoever is found guilty of a third or subsequent offense of such use without authority committed within five years of the earliest of his two most recent prior offenses shall be punished by a fine of not less than two hundred dollars nor more than one thousand dollars or by imprisonment for not less than six months nor more than two and one half years in a house of correction or for not less than two and one half years nor more than five years in the state prison or by both fine and imprisonment. A summons may be issued instead of a warrant for arrest upon a complaint for a violation of any provision of this paragraph if in the judgment of the court or justice receiving the complaint there is reason to believe that the defendant will appear upon a summons.

\* \* \*

**G.L. c. 269, § 10(a) Possession of a firearm**

Whoever, except as provided or exempted by statute, knowingly has in his possession; or knowingly has under his control in a vehicle; a firearm, loaded or unloaded, as defined in section one hundred and twenty-one of chapter one hundred and forty without either:

(1) being present in or on his residence or place of business; or

(2) having in effect a license to carry firearms issued under section one hundred and thirty-one of chapter one hundred and forty; or

(3) having in effect a license to carry firearms issued under section one hundred and thirty-one F of chapter one hundred and forty; or

(4) having complied with the provisions of sections one hundred and twenty-nine C and one hundred and thirty-one G of chapter one hundred and forty; or

(5) having complied as to possession of an air rifle or BB gun with the requirements imposed by section twelve B; and whoever knowingly has in his possession; or knowingly has under control in a vehicle; a rifle or shotgun, loaded or unloaded, without either:

(1) being present in or on his residence or place of business; or

(2) having in effect a license to carry firearms issued under section one hundred and thirty-one of chapter one hundred and forty; or

(3) having in effect a license to carry firearms issued under section one hundred and thirty-one F of chapter one hundred and forty; or

(4) having in effect a firearms identification card issued under section one hundred and twenty-nine B of chapter one hundred and forty; or

(5) having complied with the requirements imposed by section one hundred and twenty-nine C of chapter one hundred and forty upon ownership or possession of rifles and shotguns; or

(6) having complied as to possession of an air rifle or BB gun with the requirements imposed by section twelve B; shall be punished by imprisonment in the state prison for not less than two and one-half years nor more than five

years, or for not less than 18 months nor more than two and one-half years in a jail or house of correction. The sentence imposed on such person shall not be reduced to less than 18 months, nor suspended, nor shall any person convicted under this subsection be eligible for probation, parole, work release, or furlough or receive any deduction from his sentence for good conduct until he shall have served 18 months of such sentence; provided, however, that the commissioner of correction may on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, grant to an offender committed under this subsection a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of a relative; to visit a critically ill relative; or to obtain emergency medical or psychiatric service unavailable at said institution. Prosecutions commenced under this subsection shall neither be continued without a finding nor placed on file.

No person having in effect a license to carry firearms for any purpose, issued under section one hundred and thirty-one or section one hundred and thirty-one F of chapter one hundred and forty shall be deemed to be in violation of this section.

The provisions of section eighty-seven of chapter two hundred and seventy-six shall not apply to any person seventeen years of age or older, charged with a violation of this subsection, or to any child between ages fourteen and seventeen so charged, if the court is of the opinion that the interests of the public require that he should be tried as an adult for such offense instead of being dealt with as a child.

The provisions of this subsection shall not affect the licensing requirements of section one hundred and twenty-nine C of chapter one hundred and forty which require every person not otherwise duly licensed or exempted to have been issued a firearms identification card in order to possess a firearm, rifle or shotgun in his residence or place of business.

**G.L. c. 269, § 10(h) Possession of ammunition**

(1) Whoever owns, possesses or transfers a firearm, rifle, shotgun or ammunition without complying with the provisions of section 129C of chapter 140 shall be punished by imprisonment in a jail or house of correction for not more than 2 years or by a fine of not more than \$500. Whoever commits a second or subsequent violation of this paragraph shall be punished by imprisonment in a house of correction for not more than 2 years or by a fine of not more than \$1,000, or both. Any officer authorized to make arrests may arrest without a warrant any person whom the officer has probable cause to believe has violated this paragraph.

(2) Any person who leaves a firearm, rifle, shotgun or ammunition unattended with the intent to transfer possession of such firearm, rifle, shotgun or ammunition to any person not licensed under section 129C of chapter 140 or section 131 of chapter 140 for the purpose of committing a crime or concealing a crime shall be punished by imprisonment in a house of correction for not more than 2 1/2 years or in state prison for not more than 5 years.

**G.L. c. 269, § 10(n) Possession of a loaded firearm**

Whoever violates paragraph (a) or paragraph (c), by means of a loaded firearm, loaded sawed off shotgun or loaded machine gun shall be further punished by imprisonment in the house of correction for not more than 2 1/2 years, which sentence shall begin from and after the expiration of the sentence for the violation of paragraph (a) or paragraph (c).

COMMONWEALTH'S RECORD APPENDIX

<i>Commonwealth v. Jamil Campbell,</i> Complaint and Police Report .....	C.A.1-6
<i>Commonwealth v. Jamil Campbell, Docket</i> No. 1301JC000587-2 .....	C.A.7-17
Defendant's Motion to Suppress Evidence with Affidavit .....	C.A.18-21
Defendant's Motion to Suppress Statements with Affidavit .....	C.A.22-25
Copy of Enterprise Rental Agreement (Motion Exhibit 1) .....	C.A.26
Copy of Massachusetts State Police Towing Policy TRF-09 (Motion Exhibit 2) .....	C.A.27-30
Copy of Massachusetts State Police Vehicle Inventory Policy TRF-10 (Motion Exhibit 3) .....	C.A.31-33
Motion Judge's Endorsement Allowing Defendant's Motion to Suppress .....	C.A.34-35
Commonwealth's Notice of Appeal .....	C.A.36
Commonwealth's Motion for Additional Time to File its Application Pursuant to Mass. R. Crim. P. 15 with Endorsement .....	C.A.37-40
Notice of Docket Entry and Order of the Single Justice of the Supreme Judicial Court Allowing the Commonwealth's Application for Interlocutory Appeal .....	C.A.41

<b>CRIMINAL COMPLAINT</b>		DOCKET NUMBER <b>1301JC000587-2</b>	<b>Trial Court of Massachusetts Boston Municipal Court Department</b>
DEFENDANT NAME <b>JAMIL J. CAMPBELL</b>		PAGE <b>1</b>	

DEFENDANT NAME AND ADDRESS <b>JAMIL J. CAMPBELL</b> <b>72 OLNEY STREET</b> <b>APT.#2</b> <b>DORCHESTER, MA,</b>				TO ANY JUSTICE OR CLERK-MAGISTRATE OF THE BOSTON MUNICIPAL COURT DEPARTMENT  The within named and undersigned complainant, on behalf of the Commonwealth, on oath complains that on the date and at the location stated herein the defendant did commit the offense(s) listed below in the City of Boston and within the judicial district of the Boston Municipal Court Department.  <b>BOSTON MUNICIPAL COURT DEPARTMENT</b> <b>CENTRAL DIVISION, CRIMINAL BUSINESS</b> <b>EDWARD W. BROOKE COURTHOUSE</b> <b>24 NEW CHARDON STREET</b> <b>6TH FLOOR</b> <b>BOSTON, MA 02114</b> <b>(617) 788-8600</b>
BIRTH DATE <b>06/21/1974</b>	GENDER <b>MALE</b>	RACE <b>UNKNOWEN</b>	HEIGHT	
PCF NUMBER	WEIGHT	EYES <b>UNKNOWN</b>	HAIR <b>UNKNOWN</b>	
POLICE DEPARTMENT <b>SP BOSTON LEVERETT</b>		OFFICER ID	CC NUMBER <b>2013-OH44818</b>	
COMPLAINT DATE <b>08/28/2013</b>		COMPLAINANT <b>THOMAS BRIODY</b>		
OFFENSE DATE <b>08/17/2013</b>		PLACE OF OFFENSE <b>90 HEALTH STREET ROXBURY, MA</b>		

**1 269:010-J FIREARM, CARRY WITHOUT LICENSE C269 S10**

DID KNOWINGLY HAVE IN HIS OR HER POSSESSION, OR UNDER HIS OR HER CONTROL IN A VEHICLE, A FIREARM, AS DEFINED IN G.C.140, S.121, OR A RIFLE OR SHOTGUN, NOT THEN BEING PRESENT IN OR ON HIS OR HER RESIDENCE OR PLACE OF BUSINESS, AND NOT HAVING IN EFFECT A LICENSE TO CARRY FIREARMS OR OTHERWISE BEING AUTHORIZED BY LAW TO DO SO, IN VIOLATION OF G.L. C.269, S.10(A). EFFECTIVE DATE MARCH 30, 2006 (PENALTY: STATE PRISON NOT LESS THAN 2 1/2 YEARS, NOT MORE THAN 5 YEARS; OR JAIL OR HOUSE OF CORRECTION NOT LESS THAN 18 MONTHS, NOT MORE THAN 2 1/2 YEARS; NO CONTINUANCE WITH FINDING, FILING, OR SUSPENDED SENTENCE; NO REDUCTION OF SENTENCE, PROBATION, PAROLE, FURLOUGH, OR SENTENCE DEDUCTION UNTIL 18 MONTHS SERVED; S.10(e): FIREARM, RIFLE OR SHOTGUN TO BE ORDERED FORFEITED.)

**2 269:010J-N FIREARM CHARGE AS AFORESAID LOADED WEAPONS C269 S10**

DID VIOLATE PARAGRAPH (a) OR PARAGRAPH (c) OF CHAPTER 269 SECTION 10 BY MEANS OF A "LOADED" FIREARM, "LOADED" SAWED OFF SHOTGUN OR "LOADED" MACHINE GUN, WHERE THE WORD "LOADED" MEANS "AMMUNITION IS CONTAINED IN" WEAPON OR WITHIN A FEEDING DEVICE ATTACHED THERETO" AND WHERE THE WORD "AMMUNITION" MEANS "CARTRIDGE CARTRIDGE CASES, PRIMERS (IGNITERS), BULLETS OR PROPELLANT POWDER DESIGNED FOR USE IN ANY FIREARM, RIFLE SHOTGUN" ALL IN VIOLATION OF G.L. CHAPTER 269 SECTION 10 (n). ( AND IS THEREFORE SUBJECT TO ENHANCED PENALTY =PENALTY: HOUSE OF CORRECTION NOT MORE THAN 2 1/2 YEARS, SUCH SENTENCE TO BEGIN FROM AND AFTER THE EXPIRATION OF THE SENTENCE IMPOSED FOR THE VIOLATION OF PARAGRAPH (a) OR (c) AS APPLICABLE.)

COMPLAINT OR AUTHORIZED OFFICER <b>X</b>	SWORN TO BEFORE CLERK-MAGISTRATE/ASST. CLERK <b>X</b>	ON (DATE)	ADDITIONAL ATTACHMENTS
CHIEF JUSTICE <b>Hon. Charles R. Johnson</b>	COURT ADDRESS <b>BOSTON MUNICIPAL COURT CRIMINAL DIVISION 6TH FLOOR, 24 NEW CHARDON STREET, BOSTON, MA</b>		

<b>CRIMINAL COMPLAINT</b>		DOCKET NUMBER <b>1301JC000587-2</b>	Trial Court of Massachusetts Boston Municipal Court Department
DEFENDANT NAME <b>JAMIL J. CAMPBELL</b>		PAGE <b>2</b>	

**3      269:010:G      FIREARM/AMMO (CHEM MACE) CARRYING NO FID CARD C269 S10(H)**

DID OWN, POSSESS OR TRANSFER POSSESSION OF A FIREARM, RIFLE, SHOTGUN OR AMMUNITION (INCLUDING TEAR GAS OR CHEMICAL MACE ETC.) WITHOUT COMPLYING WITH THE REQUIREMENTS RELATING TO THE FIREARM IDENTIFICATION CARD AS PROVIDED FOR IN G.L. C.140, S.129C, IN VIOLATION OF G.L. C.269, S.10(H). (PENALTY: JAIL OR HOUSE OF CORRECTION NOT MORE THAN 2 YEARS; OR NOT MORE THAN \$500; S.10(C): ITEM TO BE ORDERED FORFEITED.)

**4      089:009      STOP/YIELD, FAIL TO C89 S9**

NOTE: THIS IS A CIVIL MV INFRACTION, SET FORTH HERE FOR PROCEDURAL PURPOSES ONLY. WHILE OPERATING A MOTOR VEHICLE ON A WAY: (1) WHEN APPROACHING A STOP SIGN OR A FLASHING RED SIGNAL INDICATION, DID FAIL TO STOP AT A CLEARLY MARKED STOP LINE, OR IF NONE, BEFORE ENTERING THE CROSSWALK ON THE NEAR SIDE OF THE INTERSECTION, OR IF NONE, THEN AT THE POINT NEAREST THE INTERSECTING ROADWAY WHERE HE OR SHE HAD A VIEW OF APPROACHING TRAFFIC ON THE INTERSECTING ROADWAY BEFORE ENTERING IT, AND AFTER HAVING STOPPED, TO YIELD THE RIGHT OF WAY TO ANY VEHICLE IN THE INTERSECTION OR APPROACHING ON ANOTHER ROADWAY SO CLOSELY AS TO CONSTITUTE AN IMMEDIATE HAZARD DURING THE TIME WHEN HE OR SHE WAS MOVING ACROSS OR WITHIN THE INTERSECTION OR JUNCTION OF ROADWAYS, NOT HAVING BEEN DIRECTED TO PROCEED BY A POLICE OFFICER; OR (2) WHEN APPROACHING A YIELD SIGN, DID FAIL IN OBEDIENCE TO SUCH SIGN TO SLOW DOWN TO A SPEED REASONABLE FOR THE EXISTING CONDITIONS, AND IF REQUIRED FOR SAFETY TO STOP AT A CLEARLY MARKED STOP LINE, OR IF NONE, BEFORE ENTERING THE CROSSWALK ON THE NEAR SIDE OF THE INTERSECTION, OR IF NONE, THEN AT THE POINT NEAREST THE INTERSECTING ROADWAY WHERE HE OR SHE HAD A VIEW OF APPROACHING TRAFFIC ON THE INTERSECTING ROADWAY BEFORE ENTERING IT, AND AFTER SLOWING OR STOPPING, TO YIELD THE RIGHT OF WAY TO ANY VEHICLE IN THE INTERSECTION OR APPROACHING ON ANOTHER ROADWAY SO CLOSELY AS TO CONSTITUTE AN IMMEDIATE HAZARD DURING THE TIME WHEN HE OR SHE WAS MOVING ACROSS OR WITHIN THE INTERSECTION OR JUNCTION OF ROADWAYS; OR (3) DID CROSS OR ENTER AN INTERSECTION WHICH HIS OR HER VEHICLE WAS UNABLE TO PROCEED THROUGH WITHOUT STOPPING AND THEREBY BLOCKING VEHICLES FROM TRAVELLING IN A FREE DIRECTION, IN VIOLATION OF G.L. C.89, S.9. (CIVIL ASSESSMENT: \$100, SUBSEQUENT OFFENSE, \$150)

**5      090:024:P      USE MV WITHOUT AUTHORITY C90 S24**

DID USE A MOTOR VEHICLE WITHOUT AUTHORITY, KNOWING SUCH USE TO BE UNAUTHORIZED, IN VIOLATION OF G.L. C.90, S.24A (PENALTY: IMPRISONMENT FOR NOT LESS THAN 30 DAYS, NOT MORE THAN 2 YEARS; OR NOT LESS THAN \$50, NOT MORE THAN \$100; OR BOTH; AND RMV (AND SHALL UNLESS JUDGE RECOMMENDS OTHERWISE) REVOKE LICENSE FOR 1 YEAR; RMV MAY REVOKE REGISTRATION IF DEFENDANT IS OWNER OR HAS EXCLUSIVE CONTROL OF VEHICLE.)

COMPLAINT OR AUTHORIZED OFFICER  <b>X</b>	SWORN TO BEFORE CLERK-MAGISTRATE/ASST. CLERK  <b>X</b>	ON (DATE)	ADDITIONAL ATTACHMENTS
CHIEF JUSTICE <b>Hon. Charles R. Johnson</b>	COURT ADDRESS  <b>BOSTON MUNICIPAL COURT CRIMINAL DIVISION 6TH FLOOR, 24 NEW CHARDON STREET, BOSTON, MA 02111</b>		



ARREST REPORT  
State Police Boston

250 Leverett Circle  
Boston, MA  
(617) 727-6780

CASE # 2013-0H4-004818

Invest Officer: Trooper Thomas Hannon ID# 3120  
Agency: H-4

Court: Roxbury DC

Activity Date/Time 08/17/2013 1637 Incident Class: Traffic MV Stop

Location: 90 HEATH STREET, BOSTON, MA

Last: CAMPBELL

First: JAMIL

Middle: JORI

Suffix:

DOB: 06/21/1974

Age: 39

SSN: 012587016

License #: S51504875

Lic. State: MA

Address: 20 ALMONT ST # 3

City/Town: MATTAPAN

State: MA

Zip Code: 02126

Phone #: 8572211241

Occupation: UNEMPLOYED

Employer:

Emp. Add:

Emp. Phn:

Race: Black

Sex: Male

Height: 507

Weight: 165

Hair Color: Bald

Eye Color: Brown

Build: Slender

Complexion: Dark

Marital Stat: Single

Spouse:

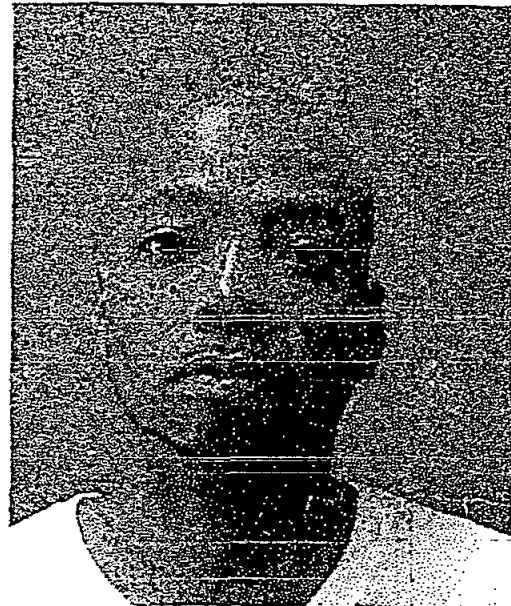
Father: GAYLORD

Mother: HAILEY

Dependents: 2

Birth Place: BOSTON

Citizenship:



Custody Status: Pending Bail

Booking Officer: Trooper Thomas Hannon ID# 3120

Desk Officer: Sergeant John Gentile ID# 1070

Photo Officer: Trooper Thomas Hannon ID# 3120

Miranda Given: Y Trooper Thomas Hannon ID# 3120

Print Officer: Trooper Thomas Hannon ID# 3120

Lang Rights: N

Visible Injuries: N

Positive Q5: N

Phone Used: Y

Number Called: 817-646-9011

M/W: Y

Detox Notified: N

Medications: N/A

Offered BT: N

Refused BT:

BT Results: 0.000 0.000 0.000

Bailed To:

OBTN: TSH4201302996

Booked @ Boston

Charge(s):

Citation: R3875821; 89-9 STOP/YIELD, FAIL TO

Citation: R3875821; 90-24-P USE MV WITHOUT AUTHORITY

269-10-a. FIREARM, UNLAWFUL POSSESSION W/O LICENSE

269-10-EE FIREARM, CARRY WITH AMMUNITION

269-10-h. AMMUNITION, POSSESSION W/O FID CARD

WRNT WARRANT- 234A/42M - JUROR FAIL TO ATTEND WR4881890TC

Trooper Thomas Hannon ID# 3120

Supervisor





ARREST REPORT  
State Police Boston

250 Leverett Circle  
Boston, MA  
(617) 727-6780

CASE # 2013-0H4-004818

Invest Officer: Trooper Thomas Hannon ID# 3120  
Agency: H-4

Court: Roxbury DC

Alias(es):

Distinguishing Marks:

Tattoo

Location: Back, Upper Rt

Description:

Location: Arm, Upper Lft

Description:

Location: Arm, Upper Rt

Description:

Location: Neck

Description:

Vehicle(s):

MA PAN 6AZ3499 2013 Dodge Avenger BLUE  
VIN: 1C3CDZAB4DN649206

Towed Stanley's Tow

VIN:

VIN:

VIN:

Other Property/Evidence Involved in Case:

FIREARMS  
EVIDENCE

1 BLACK/SILVER SKYY 9MM HAND GUN SN#000718

.45

Value: 0

Stolen:

Seized:

Recovered:

FIREARMS  
EVIDENCE

1 MAGAZINE WITH 6 BLAZER LUGER 9MM ROUNDS IN IT

Value: 0

Stolen:

Seized:

Recovered:

FIREARMS  
EVIDENCE

1 BOX WITH 18 LUGER BLAZER 9MM ROUNDSW IN IT

Value:

Stolen:

Seized:

Recovered:

Arrest Narrative:

4818

By Trooper Thomas J Hannon #3120

1. On Saturday August 17, 2013 at approximately 1637 Hrs, I Trooper Hannon #3120, was in a stationary position on Parker St. a public way in the city of Boston monitoring the flow of traffic. At this time I observed a blue Dodge sedan bearing MD registration 6AZ3499 operating on New Heath St. (a public way) prior to the Heath Square Rotary. The vehicle failed to stop at the stop

Trooper Thomas Hannon ID# 3120

Supervisor

C.A.4



## ARREST REPORT

State Police Boston

250 Leverett Circle

Boston, MA

(617) 727-6780

CASE # 2013-0H4-004818

Invest Officer: Trooper Thomas Hannon ID# 3120

Court: Roxbury DC

Agency: H-4

sign prior to the rotary. I affected a motor vehicle stop and the vehicle came to rest on the right shoulder in front of 90 Heath St. I approached the vehicle from the drivers side and asked the lone black male operator for his license and registration. The operator was able to produce a MA license S51504875 and identified to be Jamil Campbell 6/21/74. Campbell produced an Enterprise rental agreement and he was not listed as an authorized operator of the vehicle. Pamela Gillard was listed at the renter and lone authorized operator.

2.I advised Campbell that the vehicle was going to be towed for unauthorized use and asked him to exit the vehicle. Campbell exited the vehicle and I conducted a pat-frisk for my safety. I now began an inventory and located a black/silver SKYY 9MM handgun serial number 000718 in the center console. I contacted dispatch and requested another cruiser for assistance. The weapon was on fire and had a magazine inserted with (6) 9MM Luger Blazer rounds in it. I visually and physically inspected the weapon and cleared it. There was no round in the chamber from the initial condition I found the weapon in. The weapon did not come back stolen or registered in CJIS.

3.Boston Police Officers and Tpr. McCarthy #3150 arrived on scene. I now secured Campbell in hand cuffs, read him his Miranda Rights and secured him in the rear of my cruiser. I asked Campbell if he had a license to carry and he stated "No, I got problems with some dudes and bought the gun on the street for my protection." Tpr. McCarthy assisted with the inventory and under some clothing items on the rear passenger side seat located a blue/white box labeled Independence 50 Centerfire Pistol Cartridges 9MM. Located in the box were 18 9MM Luger Blazer rounds of ammunition (the same make of the ammunition in the magazine). The evidence was secured in my cruiser.

4.Tpr. McCarthy spoke with Campbell and told me that Campbell admitted he bought the gun and ammunition on the street for protection. Campbell did not disclose who he purchased the firearm and ammunition from. Troop-H dispatch also advised us that Campbell had a straight warrant out of BMC for Failure to Appear at Jury Duty. Tpr. McCarthy awaited the arrival of Stanleys to tow the vehicle.

5.I transported Campbell to SP Boston where he was booked, fingerprinted and allowed multiple phone calls prior to being secured in Cell #2 with out incident. Campbell is negative Q-5 and sustained no injuries during the arrest and booking process. Campbell was issued Criminal Citation R3875821 for 89-9 Fail to Stop, Stop Sign and 90-24P Use Motor Vehicle With Out Authority. Campbell was advised he will also be charged with 269-10-a FIREARM, UNLAWFUL POSSESSION W/O LICENSE - 269-10-EE FIREARM, CARRY WITH AMMUNITION - 269-10-h AMMUNITION, POSSESSION W/O FID CARD. Bail commissioner Burke was contacted and advised Campbell be held on \$25,000. USC bail. The evidence was logged and secured in the H-4

Trooper Thomas Hannon ID# 3120

Supervisor



# ARREST REPORT

State Police Boston

250 Leverett Circle

Boston, MA

CASE # 2013-0H4-004818

(617) 727-6780

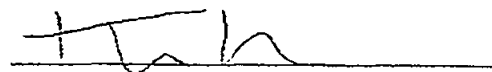
Invest Officer: Trooper Thomas Hannon ID# 3120

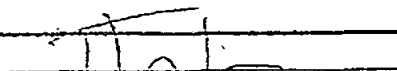
Court: Roxbury DC

Agency: H-4

temporary evidence locker for future lab analysis.

Trooper Thomas J Hannon #3120

  
Trooper Thomas J Hannon #3120

  
Trooper Thomas Hannon ID# 3120

Supervisor

Judge:

Case No. 1301JC000587-2  
Ticket No.  
CTN:

CAMPBELL, JAMIL J.

By:

CAMPBELL, JAMIL J. DFNDT  
72 OLNEY STREET  
APT.#2  
DORCHESTER, MA

By: GOEL, ADITI  
Committee for Public  
Counsel Services  
10 Malcolm X Blvd., Suite  
2-1  
ROXBURY, MA 02119

Dob: 06/21/1974 Sex: M  
Lic: Sid:

Plate#:  
Make:  
Year:  
Type:  
Venue:  
Location: 2

Accident: No

GOEL, ADITI  
BRIODY, THOMAS

ATT  
CMP

Bond:  
Type:

Set:  
Posted:

Charges:

Ct.1 269/10/J FIREARM, CARRY WITHOUT LICENSE C269  
S10  
Offense Dt: 08/17/2013 Cvr:  
Arrest Dt: 08/17/2013  
Comments:

Ct.2 269/10J/N FIREARM CHARGE AS AFORESAID LOADED  
WEAPONS C269 S10  
Offense Dt: 08/17/2013 Cvr:  
Arrest Dt: 08/17/2013  
Comments:

Ct.3 269/10/G FIREARM/AMMO (CHEM MACE) CARRYING NO  
PID CARD C269 S10(H)  
Offense Dt: 08/17/2013 Cvr:  
Arrest Dt: 08/17/2013  
Comments:

Ct.4 89/9 STOP/YIELD, FAIL TO C89 S9  
Offense Dt: 08/17/2013 Cvr:  
Arrest Dt: 08/17/2013  
Comments:

Ct.5 90/24/P USE MV WITHOUT AUTHORITY C90 S24  
Offense Dt: 08/17/2013 Cvr:  
Arrest Dt: 08/17/2013  
Comments:

Sentencing:

No.	Filed	Action	Operator	Fine/Cost	Due
1	07/11/14	MOTION TO SUPPRESS IS ALLOWED AFTER BEING TAKEN UNDER ADVISEMENT PURSUANT HEARING ON 5-14-2014 JUDGE JOHNSON /CF EACH PARTY NOTIFIED BY PHONE	FERGUSON_C	0.00	0.00
2	07/10/14	SCHEDULING INFORMATION: Event: STATUS Date: 08/13/2014 Time: 9:00 am Judge: 10 - COURTROOM 10 Location: ROOM 10 - TRIAL ASSIGNMENT SESSION	VANES_J	0.00	0.00
3	07/10/14	EVENT RESULT The following event: STATUS scheduled for 07/10/2014 at 9:00 am has been resulted as follows:  Result: Continued	VANES_J	0.00	0.00
4	07/10/14	ROOM 10 9:10 AM	VANES_J	0.00	0.00
5	07/10/14	COYNE J KTN TO GO TO JUDGE COYNE	VANES_J	0.00	0.00
6	07/10/14	SAME RECOG, CONTINUED.	VANES_J	0.00	0.00
7	07/10/14	PO LAWTON APPEARS	VANES_J	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
8	07/10/14	ADA GRASSO APPEARS	VANES_J	0.00	0.00
9	07/10/14	ATTORNEY ADITI GOEL APPEARS	VANES_J	0.00	0.00
10	07/10/14	DEFENDANT IN COURT	VANES_J	0.00	0.00
11	06/11/14	SCHEDULING INFORMATION:  The following event: STATUS scheduled for 06/11/2014 at 9:00 am has been rescheduled as follows:  Event: STATUS Date: 07/10/2014 Time: 9:00 am Judge: 13 - COURTROOM 13 Location: COURT ROOM 13  Result: Continued	SACHETT_R	0.00	0.00
12	06/11/14	EVENT RESULT The following event: STATUS scheduled for 06/11/2014 at 9:00 am has been resulted as follows:  Result: Continued	SACHETT_R	0.00	0.00
13	06/11/14	HON. HORGAN J./ KTN	SACHETT_R	0.00	0.00
14	06/11/14	TAPE NUMBER AND FOOTAGE RM 10/ 9:23	SACHETT_R	0.00	0.00
15	06/11/14	7500 CASH TO JULY 10-STATUS-RM 10	SACHETT_R	0.00	0.00
16	06/11/14	APPEARANCE OF PROBATION OFFICER GRIFFIN	SACHETT_R	0.00	0.00
17	06/11/14	APPEARANCE OF COMMONWEALTH'S ATTY: GRASSO	SACHETT_R	0.00	0.00
18	06/11/14	APPEARANCE OF DEFENDANT'S ATTY: (s) : GOEL, ADITI (Attorney) on behalf of CAMPBELL, JAMIL J. (Defendant)	SACHETT_R	0.00	0.00
19	06/11/14	DEFENDANT IN COURT	SACHETT_R	0.00	0.00
20	06/06/14	DEFENDANT NOT IN COURT, ADA FILES " ....COMM OPP TO DEFENDANTS MOTION TO SUPPRESS. " PLACED WITH THE PAPERS . fxc	FCOUNTER	0.00	0.00
21	05/14/14	JOHNSON, C.J///AMC	CLAWSON_A	0.00	0.00
22	05/14/14	EXHIBITS RETURNED TO RESPECTIVE PARTY.	CLAWSON_A	0.00	0.00
23	05/14/14	ROOM 19 TIME 9:30	CLAWSON_A	0.00	0.00
24	05/14/14	\$7500 CASH SAME RECOG. CONTINUED TO JUNE 11, ROOM 13 STATUS	CLAWSON_A	0.00	0.00
25	05/14/14	SUPPLEMENTAL MEMORANDUM BY DEFENSE BY 5-28-2014. SUPPLEMENTAL MEMORANDUM BY COMMONWEALTH BY 6-10-2014.	CLAWSON_A	0.00	0.00
26	05/14/14	THE DEFENDANTS MOTION TO SUPPRESS IS TAKEN UNDER ADVISEMENT.	CLAWSON_A	0.00	0.00
27	05/14/14	BOTH PARTIES PRESENT ARGUMENTS.	CLAWSON_A	0.00	0.00

No.	Filed	Action	Operator	Fine/Cost	Due
28	05/14/14	DEFENSE CALLS DEFENDANT JAMIL CAMPBELL WHO IS SWORN, EXAMINED AND CROSS-EXAMINED.	CLAWSON_A	0.00	0.00
29	05/14/14	DEFENSE CALLS JONATHAN RAMONES WHO IS SWORN, EXAMINED AND CROSS-EXAMINED.	CLAWSON_A	0.00	0.00
30	05/14/14	COMMONWEALTH CALLS MASSACHUSETTS STATE TROOPER JOHN MCCARTHY WHO IS SWORN, EXAMINED AND CROSS-EXAMINED.	CLAWSON_A	0.00	0.00
31	05/14/14	COMMONWEALTH CALLS MASSACHUSETTS STATE TROOPER THOMAS HANNON WHO IS SWORN, EXAMINED AND CROSS-EXAMINED.	CLAWSON_A	0.00	0.00
32	05/14/14	COMMONWEALTHS THIRD NOTICE OF DISCOVERY FILED.	CLAWSON_A	0.00	0.00
33	05/14/14	APPEARANCE OF PROBATION OFFICER NONE	CLAWSON_A	0.00	0.00
34	05/14/14	APPEARANCE OF COMMONWEALTH'S ATTY GRASSO	CLAWSON_A	0.00	0.00
35	05/14/14	APPEARANCE OF DEFENDANT'S ATTY: [DEF_ATTY] (s): ; GOEL, ADITI(Attorney) on behalf of CAMPBELL, JAMIL J.(Defendant)	CLAWSON_A	0.00	0.00
36	05/14/14	DEFENDANT IN COURT	CLAWSON_A	0.00	0.00
37	05/14/14	SCHEDULING INFORMATION: Event: STATUS Date: 06/11/2014 Time: 9:00 am Judge: 13 - COURTROOM 13 Location: COURT ROOM 13  Result: Continued	CLAWSON_A	0.00	0.00
38	05/14/14	EVENT RESULT The following event: MOTION (CR) scheduled for 05/14/2014 at 9:00 am has been resulted as follows:  Result: Held	CLAWSON_A	0.00	0.00
39	05/13/14	JOHNSON, CJ///AMC	CLAWSON_A	0.00	0.00
40	05/13/14	ROOM 19 TIME 10:37	CLAWSON_A	0.00	0.00
41	05/13/14	\$7,500 CASH SAME RECOG, CONTINUED TO MAY 14 ROOM 13 MOTION TO SUPPRESS TO BE CALLED IN ROOM 19 TO GO TO JOHNSON, CJ.	CLAWSON_A	0.00	0.00
42	05/13/14	APPEARANCE OF PROBATION OFFICER NONE	CLAWSON_A	0.00	0.00
43	05/13/14	APPEARANCE OF DEFENDANT'S ATTY GRASSO (s): ; GOEL, ADITI(Attorney) on behalf of CAMPBELL, JAMIL J.(Defendant)	CLAWSON_A	0.00	0.00
44	05/13/14	DEFENDANT IN COURT	CLAWSON_A	0.00	0.00
45	05/13/14	SCHEDULING INFORMATION:  The following event: MOTION (CR) scheduled for 05/13/2014 at 9:00 am has been rescheduled as follows:  Event: MOTION (CR) Date: 05/14/2014 Time: 9:00 am Judge: 13 - COURTROOM 13 Location: COURT ROOM 13	CLAWSON_A	0.00	0.00

Result: Held

No.	Filed	Action	Operator	Fine/Cost	Due
46	05/13/14	EVENT RESULT The following event: MOTION (CR) scheduled for 05/13/2014 at 9:00 am has been resulted as follows:  Result: Continued	CLAWSON_A	0.00	0.00
47	05/07/14	SCHEDULING INFORMATION: Event: MOTION (CR) Date: 05/13/2014 Time: 9:00 am Judge: 13 - COURTROOM 13 Location: COURT ROOM 13  Result: Continued	DEGIACOMO	0.00	0.00
48	05/01/14	MOTION BY DEFENDANT: - TO SUPPRESS EVIDENCE - TO SUPPRESS STATEMENTS	DEGIACOMO	0.00	0.00
49	02/04/14	SCHEDULING INFORMATION: Event: MOTION (CR) Date: 05/13/2014 Time: 9:00 am Judge: 10 - COURTROOM 10 Location: ROOM 10 - TRIAL ASSIGNMENT SESSION	SACHETT_R	0.00	0.00
50	02/04/14	EVENT RESULT The following event: COMPLIANCE / ELECTION scheduled for 02/04/2014 at 9:00 am has been resulted as follows:  Result: Held	SACHETT_R	0.00	0.00
51	02/04/14	HON. SINNOTT J./ MOL	SACHETT_R	0.00	0.00
52	02/04/14	TAPE NUMBER AND FOOTAGE RM 11/ 9:02	SACHETT_R	0.00	0.00
53	02/04/14	7,500 CASH TO MAY 13-MOTION TO SUPPRESS-RM 10	SACHETT_R	0.00	0.00
54	02/04/14	COMM.'S SECOND NOTICE OF DISCOVERY RECEIVED AND FILED	SACHETT_R	0.00	0.00
55	02/04/14	APPEARANCE OF PROBATION OFFICER RYAN	SACHETT_R	0.00	0.00
56	02/04/14	APPEARANCE OF COMMONWEALTH'S ATTY: ACHARYA	SACHETT_R	0.00	0.00
57	02/04/14	APPEARANCE OF DEFENDANT'S ATTY: (s): ; GOEL, ADITI (Attorney) on behalf of CAMPBELL, JAMIL J. (Defendant)	SACHETT_R	0.00	0.00
58	02/04/14	DEFENDANT IN COURT	SACHETT_R	0.00	0.00
59	11/14/13	SCHEDULING INFORMATION:  The following event: COMPLIANCE / ELECTION scheduled for 11/14/2013 at 9:00 am has been rescheduled as follows:  Event: COMPLIANCE / ELECTION Date: 02/04/2014 Time: 9:00 am Judge: 11 - COURTROOM 11 Location: COURT ROOM 11 - PRETRIAL HEARINGS  Result: Held	CAFFREY_F	0.00	0.00

MIJR5925

No.	Filed	Action	Operator	Fine/Cost	Due
60	11/14/13	EVENT RESULT The following event: COMPLIANCE / ELECTION scheduled for 11/14/2013 at 9:00 am has been resulted as follows:  Result: Continued	CAFFREY_F	0.00	0.00
61	11/14/13	DOUGAN J JJB	CAFFREY_F	0.00	0.00
62	11/14/13	TAPE NUMBER AND FOOTAGE ROOM 11 BEGIN 9:53	CAFFREY_F	0.00	0.00
63	11/14/13	SAME RECOG. TO FEBRUARY 4 RM 11 CE	CAFFREY_F	0.00	0.00
64	11/14/13	COMMONWEALTH'S MOTIONS FILED	CAFFREY_F	0.00	0.00
65	11/14/13	APPEARANCE OF PROBATION OFFICER SIMMONDS	CAFFREY_F	0.00	0.00
66	11/14/13	APPEARANCE OF COMMONWEALTH'S ATTY: ARCHARYA	CAFFREY_F	0.00	0.00
67	11/14/13	APPEARANCE OF DEFENDANT'S ATTY: [DEF_ATTY] (s); GOEL, ADITI (Attorney) on behalf of CAMPBELL, JAMIL J. (Defendant)	CAFFREY_F	0.00	0.00
68	11/14/13	DEFENDANT IN COURT	CAFFREY_F	0.00	0.00
69	09/03/13	SCHEDULING INFORMATION: Event: COMPLIANCE / ELECTION Date: 11/14/2013 Time: 9:00 am Judge: 11 - COURTROOM 11 Location: COURT ROOM 11 - PRETRIAL HEARINGS  Result: Continued	FORSYTH	0.00	0.00
70	09/03/13	TAPE NUMBER AND FOOTAGE RM 11 - 9:12, 9:27, 9:35	FORSYTH	0.00	0.00
71	09/03/13	JSUMMERVILLE, J. JJB	FORSYTH	0.00	0.00
72	09/03/13	OUT OF COURT COMPLIANCE BY 11/14	FORSYTH	0.00	0.00
73	09/03/13	SAME RECOG, CONTINUED. \$7,500 CASH TO NOVEMBER 14, RM 11 - C&E	FORSYTH	0.00	0.00
74	09/03/13	MOTION BY DEFENDANT: FOR DISCOVERY REC'D, FILED AND ALLOWED AS MARKED BY COURT	FORSYTH	0.00	0.00
75	09/03/13	APPEARANCE OF PROBATION OFFICER PAMPHILE	FORSYTH	0.00	0.00
76	09/03/13	APPEARANCE OF COMMONWEALTH'S ATTY: PASCIUCCO.	FORSYTH	0.00	0.00
77	09/03/13	APPEARANCE OF DEFENDANT'S ATTY: GOEL.	FORSYTH	0.00	0.00
78	09/03/13	DEFENDANT IN COURT	FORSYTH	0.00	0.00
79	08/28/13	Criminal Complaint Printed  * BMC CRIMINAL COMPLAINT Sent on: 08/28/2013 10:02:19	MCKINNON_R	0.00	0.00
80	08/28/13	BAIL BY SURETY ROXANNE GUIDAY 140 ACUSHNET AVENUE NEW BEDFORD, MA 02740 Receipt: 86236 Date: 08/28/2013	MCKINNON_R	7,500.00	0.00
81	08/28/13	A MITT WAS ISSUED FROM ROXBURY DIVISION OF THE B.M.C. CENTRAL DIVISION	MCKINNON_R	0.00	0.00



No.	Filed	Action	Operator	Fine/Cost	Due
82	08/28/13	SCHEDULING INFORMATION: Event: PRETRIAL HEARING. Date: 09/03/2013 Time: 9:00 am Judge: 11 - COURTROOM 11 Location: COURT ROOM 11 - PRETRIAL HEARINGS  Result: Held	MCKINNON_R	0.00	0.00
83	08/28/13	BAIL SET: \$ 7,500/CASH	MCKINNON_R	0.00	0.00
84	08/28/13	RECEIVED FROM THE ROXBURY DIVISION OF THE B.M.C. CENTRAL DIVISION # 1302CR002815	MCKINNON_R	0.00	0.00
85	08/11/13	APPOINTMENT OF COUNSEL FROM CPCS : Attorney BARUSCH, MARGARET representing Defendant CAMPBELL, JAMIL J. as of 09/03/2013	BARTLETT_J	0.00	0.00
Total:				7,500.00	0.00
Totals By: BAIL				7,500.00	0.00
CRIMINAL				0.00	0.00
MISCELLANEOUS					
Information				0.00	0.00
*** End of Report ***					

BOSTON M

JAMIL J. CAMPBELL

CENTRAL DIVISION

## DOCKET ENTRIES

Legal Counsel Fee Assessment

Legal Counsel Fee Contribution

Victim/Witness Fund Assessment

Drug Analysis Fund Assessment

Supervised Probation Fee

ATTORNEY

Goe l

BAIL ONLY

SEE NO.

July 27, 2013 Rec'd from the Probation  
Division of the BMC Central 13#2815  
RM 11 7500 to Sept 3  
Cash P.H. P.N.  
mitt issued from the Probation Court

SEP 3 3 2013

Tape# 11 Defendant Not in Court Attorney Goe l Appears

Footage 9:12 ADA Pasciocco vs. Parnobile Appears

9:27, 9:35

Defendant files motion for discovery  
received a file Allowed As marked By Court

7500 to November 14 Remittance  
cash RM 11 CE

Compliance 11/14

Summons 983

NOV 14 2013

Goe l

Tape# 11 Defendant Not in Court Present

Footage 9:33 ADA Parnobile vs. Summons

Commenced this motions filed

7500 to February 9 same no

CASH RM 11 CE

700

61

0

0

0

02

20  
13

## BOSTON MUNICIPAL COURT-CENTRAL DIVISION

## DOCKET ENTRIES

FEB 04 2014

Tape# 11

Defendant's Name: GOEL

GOEL

Present

Footage 9:00

ADA ACHAYYA APC RYAN

COMMONWEALTH FILES AND NOTICE OF DISCOVERY

7500 TO MAY 13 SAME NEEDS

CASH

CR10 (PTN) MOTION TO

SUPPRESS

SINNOTT, J. / MOL

5-1-14 Defendant files:

- Motion to Suppress Evidence

- Motion to Suppress Statements DD

MAY 13 2014

Tape# 19

Defendant's Name: GOEL

GOEL

Present

Footage 10:37

GRASS

APD NONE

Matter sent to Courtroom 19

7500 COAH TO MAY 14 SAME RELOG

ROOM 13\* MOTION TO SUPPRESS

\* TO BE CALLED IN ROOM 19.

TO GO TO:

JOHNSON CT

MAY 14 2014

Tape# 19

Defendant's Name: GOEL

GOEL

Present

Footage 9:30

GRASSO

APD NONE

CJW's third notice of discovery filed.

CJW calls MSP TROOPER THOMAS HANNON WHO IS SWORN, EXAMINED AND  
CROSS-EXAMINED.(SEE  
INSIDE)



**Boston Municipal Court Department  
Central Division**



<b>Name</b>	JAMIL CAMPBELL	<b>Docket #</b>	2013 JC 587
-------------	----------------	-----------------	-------------

<b>Date</b>	5-14-2014	<b>Room#</b>		<b>Footage</b>		<b>Defendant In / Not In Court</b>
<b>Attorney</b>	cont'd from	ADA	BACK of BAKER	APD		

C/W CALL MSP/PROSECUTOR JOHN MCCARTHY WHO IS SWORN,  
EXAMINED AND CROSS-EXAMINED.  
DEFENSE CALL JONATHAN RAMONES WHO IS SWORN  
EXAMINED AND CROSS-EXAMINED.  
DEFENSE CALLS DEFENDANT JAMIL CAMPBELL WHO IS SWORN  
EXAMINED AND CROSS-EXAMINED.  
BOTH PARTIES PRESENT ARGUMENT  
THE DEFENDANT'S MOTION TO SUPPRESS IS TAKEN UNDER ADVISEMENT.  
Supplemental Memorandum by Defense BY 5-28-2014.  
Supplemental Memorandum by Commonwealth BY 6-10-2014.  
EXHIBITS RETURNED TO RESPECTIVE PARTY.

7500 CASH TO JUNE 11 SAME RELOG

ROOM 13 - STATUS

JOHNSON CJ MC

6/6/14 ADA [unclear] [unclear] ... Memo ... Opp to A Motion to Suppress 478-

JUN 11 2014

10 [unclear] [unclear] [unclear]

(see) [unclear]

9.23 619580

6-11-14

A

SAME RELOG

7500 to July 10

CASH

Statul

CRIO

Huegan, J/KW



**Boston Municipal Court Department  
Central Division**



<b>Name</b>	Janel Campbell	<b>Docket #</b>	2013 JC 587
-------------	----------------	-----------------	-------------

<b>Date</b>	JUL 10 2014	<b>Room#</b>	10	<b>Footage</b>	9:10	<b>Defendant In / Not In Court</b>
<b>Attorney</b>	Goel	<b>ADA</b>	GROSSO	<b>APO</b>		Hawton

7:50 TO Aug 13 Same Rec's  
Status - 10

TO Judge Coyne Coyne, J / KT

JUL 11 2014 motion to suppress is allowed after  
being taken under advisement pursuant to hearing  
on 5-14-2014 Johnson CF each party testified  
by phone

JUL 18 2014 Commonwealth's Motion to Vacate the Suppressing  
Order and Conduct a New Hearing Rec's filed  
Commonwealth's Request for Additional Time to File its Application  
for Interlocutory Review Rec's filed

ADA Carter  
GROSSO Amy Goel

JUL 23 2014 Agreement of the Parties - matter set  
for July 25, 2014 by 17 Status

A's presence waived To go to Coyne J / BMD

BOSTON MUNICIPAL COURT DEPARTMENT  
FOR CRIMINAL BUSINESS

NAME: Jamil Campbell

DOCKET # 13 JC-581

OFFENSE: \_\_\_\_\_

JUL 25 2014

Presence waived  
Tape# 17 Defendant Not in/in Court Attorney Goel Appears

Footage 10:20 ADA Grasso P.O. Perchuk Appears

Defendants Opposing to Commonwealth's Motion to Vacate Suppressed Order Rec'd  
Commonwealth's Request for Additional Time to File its  
Application for Interlocutory Review - Allowed. to be filed.

Same Rec'd to August 13

on 10 Status

To go to Coyne J  
Coyne J/AMM

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

BOSTON MUNICIPAL COURT  
CENTRAL DIVISION  
NO. 1301 JC 587-2

COMMONWEALTH

v.

JAMIL CAMPBELL

**MOTION TO SUPPRESS**

Now comes the defendant, Jamil Campbell, in the above-captioned matter and hereby moves this Honorable Court, pursuant to Mass. R. Crim. P. 13, the 4th and 14th Amendments of the United States Constitution, Articles 12 and 14 of the Declaration of Rights to the Massachusetts Constitution, to suppress any and all evidence obtained as a result of the illegal seizure and search of the defendant and his vehicle by the police on August 17, 2013. The defendant further moves to suppress any fruit" of the illegal search. As grounds therefore, defendant states that:

1. The police violated Mr. Campbell's right to be free from unreasonable searches and seizures by unlawfully searching Mr. Campbell's person and vehicle. U.S. Const. amends. IV, XIV; art. 14, Massachusetts Declaration of Rights.

As a result, any and all evidence and any and all statements obtained from the unlawful search and seizure of Mr. Campbell should be suppressed as fruits of the illegal actions of the government. Mr. Campbell requests an evidentiary hearing on this motion. After testimony is taken, counsel requests an opportunity to file a detailed memorandum of law in support of the motion to suppress.

Respectfully Submitted,

JAMIL CAMPBELL  
By His Counsel

---

Aditi Goel  
Committee for Public Counsel Services  
Public Defender Division  
10 Malcolm X Boulevard, Suite 2-1  
Roxbury, MA 02119  
Tel: (617) 989-8100  
Fax: (617) 541-0904



COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

BOSTON MUNICIPAL COURT  
CENTRAL DIVISION  
No. 1301 JC 587-2

COMMONWEALTH

v.

JAMIL CAMPBELL

**AFFIDAVIT OF THE DEFENDANT IN SUPPORT OF THE MOTION TO SUPPRESS  
EVIDENCE**

I, Jamil Campbell, hereby state to the best of my information and belief:

1. I am the defendant in the above-captioned matter.
2. On August 17, 2013, I was stopped by police officers while I was driving a vehicle.
3. I made a full stop at the stop sign prior to the rotary by New Heath Street.
4. The officer told me that I did not stop at that stop sign.
5. The officers asked me questions.
6. The officer then asked me to step outside of the vehicle.
7. I did not feel free to leave.
8. I was searched.
9. I was handcuffed.
10. My vehicle was searched.
11. I was not shown an arrest warrant.
12. I was not shown a search warrant.
13. I did not consent to the search.

14. I have written this affidavit in consultation with my attorney solely for the purpose of providing sufficient information for the motion to suppress.

Sworn to under the pains and penalties of perjury this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Jamil Campbell

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

BOSTON MUNICIPAL COURT  
CENTRAL DIVISION  
No. 1301 JC 587-2

COMMONWEALTH

v.

JAMIL CAMPBELL

**DEFENDANT'S MOTION TO SUPPRESS STATEMENTS**

Now comes the defendant, Jamil Campbell, in the above-captioned matter and hereby moves this Honorable Court, pursuant to Mass. R. Crim. P. 13, the 5th and 14th Amendments of the United States Constitution, Articles 12 and 14 of the Declaration of Rights to the Massachusetts Constitution, to suppress statements that the Commonwealth intends to introduce at trial. As grounds therefore, the defendant states the following:

1. The defendant did not voluntarily waive his rights, and did not voluntarily or intelligently make statements to officers of the Boston Police Department, because he did not understand and waive his rights under Miranda v. Arizona, and because his alleged statements were secured in violation of the Humane Practice Rule of the Commonwealth. Commonwealth v. Tavares, 385 Mass. 140, 149-150 (1982); Commonwealth v. Harris, 371 Mass. 478, 469-470 (1976).
2. The defendant was not free to leave and he was in police custody, therefore his alleged statements were the product of custodial interrogation.

As such, any statements of the defendant must be suppressed, because their seizure is in violation of Articles Twelve and Fourteen of the Massachusetts Declaration of Rights, the Fifth and Fourteenth Amendments to the United States Constitution, and the Humane Practice Rule of the Common Law.

Respectfully Submitted,  
JAMIL CAMPBELL  
By His Counsel

---

Aditi Goel  
Committee for Public Counsel Services  
Public Defender Division  
10 Malcolm X Boulevard, Suite 2-1  
Roxbury, MA 02119  
Tel: (617) 989-8100  
Fax: (617) 541-0904

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

BOSTON MUNICIPAL COURT  
CENTRAL DIVISION  
No. 1301 JC 587-2

COMMONWEALTH

v.

JAMIL CAMPBELL

**AFFIDAVIT OF THE DEFENDANT IN SUPPORT OF THE MOTION TO SUPPRESS  
STATEMENTS**

I, Jamil Campbell, hereby state to the best of my information and belief:

1. I am the defendant in the above-captioned matter.
2. On August 17, 2013, I was stopped by a police officer.
3. I was not free to leave.
4. I was handcuffed.
5. I was placed in the back of their cruiser.
6. I was not told my rights under Miranda v. Arizona, 384 U.S. 436 (1966).
7. I was not read my Miranda rights before, during, or after my arrest.
8. I did not sign a Miranda waiver before I made certain statements.
9. The officer interrogated me.
10. I believed I was under arrest.
11. I believed I had to answer their questions.
12. I did not voluntarily waive my right to remain silent and to consult with a lawyer, and did not voluntarily or intelligently make any statements.

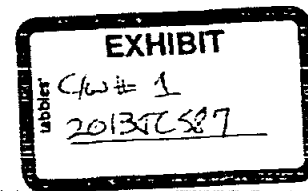
13. This affidavit does not contain all the facts and circumstances known to the affiant about this matter. It was prepared only to litigate the related Motion to Suppress Statements.

Sworn to under the pains and penalties of perjury this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Jamil Campbell

OWNER OF VEHICLE:  
BRANCH ADDRESS:ENTERPRISE RENT-A-CAR COMPANY  
500 NORTON ST. MATTAPOISETT, MA 01903

RENTAL TYPE		SOURCE #		L.O. #		RENTAL AGREEMENT		NO	
RENTER		BILL TO		COMPANY		ATTN:		PHONE EXT.	
START CHARGES IF DIFFERENT		REFERENCE NUMBER:		ADDITIONAL AUTHORIZED DRIVER(S) - PERMITTED ONLY AS REQUIRED BY LAW AND AS DESCRIBED IN PARAGRAPH 1.8 ON PAGE 2. I REQUEST OWNER'S PERMISSION TO ALLOW		WHO IS UNDER MY CONTROL AND DIRECTION TO DRIVE VEHICLE FOR ME AND ON MY BEHALF. I AM RESPONSIBLE FOR THEIR ACTS WHILE THEY ARE DRIVING, AND FOR FULFILLING TERMS AND CONDITIONS OF THIS RENTAL AGREEMENT. USE OF VEHICLE BY AN UNAUTHORIZED DRIVER WILL AFFECT MY LIABILITY AND RIGHTS UNDER THIS AGREEMENT.		RENTER: X	
ORIGINAL VEHICLE		PERMISSION GRANTED TO OPERATE VEHICLE ONLY IN THE STATE OF RENTAL AND THE FOLLOWING STATE(S):		OPERATION IN ANY OTHER STATE OR COUNTRY WILL AFFECT YOUR LIABILITY AND RIGHTS UNDER THIS AGREEMENT.		RENTER DECLINES OPTIONAL COLLISION DAMAGE WAIVER (CDW) AND ASSUMES DAMAGE RESPONSIBILITY. SEE PARAGRAPH 5.		RENTER ACCEPTS OPTIONAL COLLISION DAMAGE WAIVER (CDW) AT FEE SHOWN IN COLUMN TO RIGHT. SEE NOTICE TO LEFT AND PARAGRAPH 16. COLLISION DAMAGE WAIVER IS NOT INSURANCE.	
COLOR		LICENSE NO.		RENTER: X		RENTER DECLINES OPTIONAL PERSONAL ACCIDENT INSURANCE (PAI). SEE PARAGRAPH 5.		RENTER ACCEPTS OPTIONAL PERSONAL ACCIDENT INSURANCE (PAI) AT FEE SHOWN IN COLUMN TO RIGHT. SEE PARAGRAPH 16.	
MODEL		ECARB		RENTER: X		RENTER DECLINES OPTIONAL SUPPLEMENTAL LIABILITY PROTECTION (SLP). SEE PARAGRAPH 7.		RENTER ACCEPTS OPTIONAL SUPPLEMENTAL LIABILITY PROTECTION (SLP) AT FEE SHOWN IN COLUMN TO RIGHT. SEE PARAGRAPH 17.	
MILE-AGE		IN		RENTER: X		RENTER DECLINES OPTIONAL ROADSIDE ASSISTANCE PROTECTION (RAP). SEE PARAGRAPH 12.5.1.		RENTER ACCEPTS OPTIONAL ROADSIDE ASSISTANCE PROTECTION (RAP) AT FEE SHOWN IN COLUMN TO RIGHT. SEE OPTIONAL PRODUCTS NOTICE TO LEFT AND PARAGRAPH 13.	
OUT		E 1/8 1/4 3/8 1/2 5/8 3/4 7/8		RENTER: X		ACKNOWLEDGMENT OF THE ENTIRE AGREEMENT		WHICH CONSISTS OF PAGES 1 THROUGH 4.	
DRIVEN		E 1/8 1/4 3/8 1/2 5/8 3/4 7/8		RENTER: X		I HAVE READ AND AGREE TO THE TERMS AND CONDITIONS ON PAGES 1 THROUGH 4 OF THIS AGREEMENT, AND BY MY SIGNATURE BELOW I AM THE "RENTER" UNDER THIS AGREEMENT. BY SIGNING BELOW, I AM AUTHORIZING OWNER TO PROCESS CHARGES ON MY CREDIT CARD(S) AND/OR DEBIT CARD(S) FOR ADVANCE DEPOSITS, INCREMENTAL AUTHORIZATIONS, DEPOSITS, AND CHARGES INCURRED, AS WELL AS PAYMENTS REFUSED BY A THIRD PARTY TO WHOM BILLING WAS DIRECTED. I CERTIFY THAT THE DRIVER'S LICENSE(S) PRESENTED IS CURRENTLY VALID AND IS NOT SUSPENDED, EXPIRED, REVOKED, CANCELLED OR SURRENDERED.		RENTER: X	
CONDITION AND FUEL X LEVEL AGREE TO		RENTER		RENTER: X		REPLACEMENT VEHICLE		RENTER: X	
NO DAMAGE		NO GASOLINE REFUND		RENTER: X		OWNER REP		X	
I WILL RETURN CAR BY:		DEPOSIT(S):		DATE		I WILL RETURN CAR BY:		DEPOSIT(S):	
DATE		TIME		AMOUNT		PAID BY		AMOUNT	
05/12/2013		2:00 PM							
ADDITIONAL INFORMATION		TOTAL CHARGES		DEPOSITS		REFUNDS		AMOUNT DUE	
SEE PAGE 2, PARAGRAPH 3 FOR INFORMATION ON: VEHICLE LICENSE COST RECOVERY FEE (VLC REC FEE), CUSTOMER FACILITY CHARGE (CFC), CONCESSION FEE RECOVERY (CONCESSION RECOVERY), CONVENTION CENTER SURCHARGE (CONV CTR SURCHARGE), MASSACHUSETTS PARKING SURCHARGE (MA PRKG SURCHARGE) AND APPLICABLE TAXES (MA SALES TAX).		CLOSED BY		PAID BY		CASH		CHECK	
OWNER IS AN AFFILIATE OF ENTERPRISE HOLDINGS INC., WHICH OWNS ALL RIGHTS TO ENTERPRISE NAMES AND MARKS.		RECEIPT OF CASH REFUND		DATE		AMOUNT		REC	





# Department of State Police General Order



Effective Date <b>December 10, 2007</b>	Number <b>TRF-09</b>
Subject <b>Towing</b>	

Purpose	To establish and define guidelines for State Police officers engaged in towing vehicles.
Policy	<p>Public safety is the Department's primary concern and shall guide the application of this policy. When authorized to remove vehicles, officers shall remove such vehicles to an area which shall ensure the safety and well being of the occupants, security of the vehicle, and allow for safe and efficient flow of traffic.</p> <p>All personnel and approved tow companies shall adhere to and comply with all Division Commanders' Standard Operating Procedures relating to towing, as well as the Department of State Police Tow Service Agreement SP 357.</p> <p>Nothing in this policy shall prevent personnel assigned to Troops E and F from adhering to the specific towing regulations of the public authority that they serve.</p>
Causes for Removal	<p>Officers are authorized to remove (or cause to be removed) any vehicle found upon a road/state highway when:</p> <ul style="list-style-type: none"><li>• The vehicle was stolen or taken without the owner's consent;</li><li>• The vehicle is disabled as to constitute an obstruction to traffic and/or is an obvious hazard;</li><li>• The operator of the vehicle is arrested and the vehicle would be left unattended on a public way;</li><li>• The vehicle is improperly parked or standing in violation of a state or municipal law or regulation;</li><li>• The operator of the vehicle is not properly licensed and there are no properly licensed occupants;</li><li>• The vehicle is not validly registered or insured;</li><li>• The vehicle, in its current condition, is too hazardous or dangerous to be driven;</li><li>• The vehicle is impounded/towed pursuant to MGL or state or federal court order;</li><li>• Adverse weather conditions or other emergency reasons necessitate the removal in the interest of public safety, or when requested by the Massachusetts Highway Department or other agency having jurisdiction over maintenance of the roadway;</li></ul>

*Continued on next page*



Subject	<b>Towing</b>	Number	<b>TRF-09</b>
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**Causes for Removal  
(continued)**

Public safety is of paramount importance when considering the time, manner, and method of off-loading and/or towing a large vehicle. The key determinants are current and impending road, weather, and traffic conditions.

All crash/recovery scenes should be cleared as quickly as possible in order to return the highway to its normal traffic flow. If necessary, cargo may be pulled/pushed to adjacent shoulders/medians before the vehicle is towed.

The off-loading and/or towing of large trucks involved in crashes and recoveries on high density/congested roadways should be avoided during peak commuter hours (0600-0900 hours and 1500-1830 hours) as it may contribute to additional delays and/or crashes.

**Responsibilities of the Officer  
Towing a Vehicle**

Officers shall inquire if there is a preference for a particular tow company and it shall be honored unless:

- The emergency requires expediency;
- Traffic conditions require immediate removal; and
- The response time of the tow company requested would be unreasonably long in the opinion of the on-scene officer(s) and safety dictates its removal.

When no request for preference is expressed, the officer shall inform the Station Desk Officer who will dispatch a tow company from the Station's Tow Company List that is approved to provide the required service.

Depending upon time of day, weather, or other variables, the officer shall remain with a disabled vehicle and its occupants until assistance arrives, or until the officer is assigned to a higher priority call for service. The officer may transport the occupant(s) to a safer location to make their own arrangements, if it is agreeable to the occupants.

If the officer at the scene makes an informed observation that a particular on-scene tow company is unable to safely and expediently remove a vehicle; they may request the services of the nearest available State Police Tow Company capable of handling the job.

When applicable, officers shall inventory the towed vehicle in accordance with TRF-10.

**Responsibilities of the Station Desk Officer**

The Station Desk Officer shall appropriately record the following via RAMS II:

- The registration number and state;
- The location from which the vehicle was towed from including time and date;
- Make and description of the vehicle;
- The cause for removal;
- The name or identification number of the officer or proper authority requesting such removal; and
- The towing company name.

The officer requesting the tow shall notify or cause to be notified, the owner of record as soon as possible.

Subject	Towing	Number	TRF-09
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**Responsibilities  
of the Station  
Commander**

Station Commanders shall establish a Station Tow Company List based upon fair and equitable standards including, but not limited to: minimum response times, the maximum allowable number of tow companies, the provisions of this policy and all Division Commanders' Standard Operating Procedures relating to towing.

Fair and equitable standards shall include:

- A consideration of the financial and administrative burden of maintaining and administering the Station Tow Company Lists;
- The public interest and necessity for the prompt removal of wrecked, crashed, and disabled vehicles from the roadway;
- The maximum number of tow companies on a Station Tow List shall not exceed ten companies unless authorized by the Troop Commander; and
- Any additional factors that a Station Commander deems reasonably necessary.

Station Commanders shall be responsible for the oversight of station tow companies in their station areas and may suspend, terminate, and/or place on probation any station tow company consistent with the requirements of all Division Commanders' Standard Operating Procedures relating to towing and the State Police Tow Service Agreement SP 357.

Station Commanders shall appoint a Station Tow Officer to assist with the administration of this policy and to maintain records of all tow agreements and associated documents.

Station Commanders shall also maintain all required records necessary for the administration of this General Order and all Division Commanders' Standard Operating Procedures relating to towing.

Station Commanders, or his/her designee, may establish exclusive tow zones during natural or man-made emergencies in order to maximize public and officer safety.

**Responsibilities  
of the Troop  
Commander**

The Troop Commander shall ensure the effectiveness of the towing process by monitoring personnel under his command. The Troop Commander, or his/her designee, as Troop Tow Officer shall:

- Perform random line inspections;
- Order an immediate indefinite suspension without advance notice (until such time as the deficiencies have been satisfactorily corrected) for an event where a tow company's actions have resulted in a threat to public safety; and
- Hold and preside over hearings relative to the appeal of a Station Commander's decision or suspension. The Troop Tow Officer may preside over appeal hearings at the discretion of the Troop Commander.

Notify the tow company in writing of all decisions.

Ensure that Station Commanders maintain all records and Tow Service Agreements required by this General Order and all Division Commanders' Standard Operating Procedures relating to towing.

Subject	<b>Towing</b>	Number	<b>TRF-09</b>
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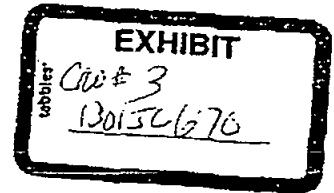
# References

Division Commanders SOP- TOWING  
SP 357 – Tow Service Agreement  
TRF-10 – Vehicle Inventory  
MGL c.90, s.22C  
720 CMR 9.04

Promulgated by:



# Department of State Police General Order



Effective Date	April 23, 2009	Number	TRF-10
Subject <b>Vehicle Inventory</b>			

## Policy

Any vehicle ordered towed, or in the custody of the Department, shall be inventoried and properly documented in order to protect:

- The vehicle and its contents;
- The Department and tow company against false claims of lost, stolen, or vandalized property; and
- The member(s) and the public from dangerous items that might be in the vehicle.

## When to Inventory a Vehicle

An inventory is a non-investigative procedure in which the contents of a vehicle are itemized, and the condition of the vehicle is noted.

The Department shall inventory any vehicle ordered towed, removed, or impounded:

- As outlined within TRF-09 Towing;
- When involved in a crash, and the owner is unable to care for it;
- Pursuant to a lawful arrest when the vehicle would be left unattended; or
- As a seizure - the vehicle is subject to statutory forfeiture or lawful seizure pursuant to a governmental interest, such as:
  1. A seizure pending forfeiture;
  2. Company or corporation distress warrant; or
  3. The vehicle was used in the commission of a crime, as an instrument of a crime, or is stolen.

The inventory process should be conducted at the scene before towing the vehicle. If the scene is not safe or practical, the process may be done at another location, however the inventory shall be done within a reasonably short period of time.

## Inventory Not Necessary

A motor vehicle inventory need not be taken if the vehicle is:

- Legally parked and locked;
- Abandoned and locked;
- Removed by a third party; or
- Disabled with the operator and/or occupants present, and is towed at their request.

Subject	Vehicle Inventory	Number	TRF-10
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#### **Inventory Procedure**

The standard inventory procedure shall consist of a detailed inspection of the interior and exterior of the vehicle for damaged and missing parts, as well as to locate and record the contents of the vehicle. The following areas shall be inventoried:

- The interior of the vehicle;
- The glove compartment and trunk (unless they are locked and there is no key available); and
- The exterior of the vehicle for missing or damaged parts.

The inventory listing of personal items and valuables shall extend to all storage areas and compartments that are accessible to the operator or occupants. This encompasses:

- All open areas, including the floor areas, the area in and around the instrument panel and the rear deck above the rear passenger seat, the open area under the seats, the glove compartment and trunk, and other places where property is likely to be kept.

All closed but unlocked containers shall be opened, and each article inventoried individually.

Locked containers shall be inventoried as a single unit.

If an owner and/or operator requests to remove or entrust their possessions to another person, without it impeding the towing or impoundment process, such request may be granted, unless the member has probable cause to seize the items.

#### **Search Warrants**

A search warrant shall be obtained before the search of a locked container or forcing open a locked glove compartment or trunk, unless:

- Consent to open the container is obtained from its owner; or
- The member has probable cause to believe that such locked container shall put the member or others in immediate risk of injury or loss of life.

Subject	Vehicle Inventory	Number	TRF-10
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#### Responsibilities

Position	Duties
Members	<ul style="list-style-type: none"> <li>• Locate and secure any monies or articles of value that cannot be secured by the tow company;</li> <li>• Accurately record on the motor vehicle inventory form a complete listing of the general condition of the vehicle and its contents;</li> <li>• File the form in the station of jurisdiction;             <ol style="list-style-type: none"> <li>1. Records shall be kept for one (1) year; and</li> <li>2. Filed by date.</li> </ol> </li> <li>• A copy of the form may be filed with any report of investigation;</li> <li>• Make, or cause to be made, any necessary administrative journal entries;</li> <li>• Ensure that all articles taken for safekeeping are stored in an appropriate container and secured in the station; and</li> <li>• An article of value may be left with the vehicle, if the owner so requests, by storing it in the trunk.</li> </ul>
Station Commanders	<ul style="list-style-type: none"> <li>• Provide a central location for members to file the motor vehicle inventory forms, and periodically review the forms for compliance with this policy; and</li> <li>• Ensure that property secured during the inventory procedure is returned to the rightful owners, as appropriate, and not kept longer than necessary.</li> </ul>
Troop Commanders	<ul style="list-style-type: none"> <li>• Strictly enforce the motor vehicle inventory procedure in order to avoid arbitrary application of the policy.</li> </ul>

#### References

TRF-09 Towing

Promulgated By:

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

BOSTON MUNICIPAL COURT  
CENTRAL DIVISION  
NO. 1301 JC 587-2

*Allowed  
for H.M.S.  
4/1/2014*

COMMONWEALTH

v.

JAMIL CAMPBELL

MOTION TO SUPPRESS

Now comes the defendant, Jamil Campbell, in the above-captioned matter and hereby moves this Honorable Court, pursuant to Mass. R. Crim. P. 13, the 4th and 14th Amendments of the United States Constitution, Articles 12 and 14 of the Declaration of Rights to the Massachusetts Constitution, to suppress any and all evidence obtained as a result of the illegal seizure and search of the defendant and his vehicle by the police on August 17, 2013. The defendant further moves to suppress any fruit" of the illegal search. As grounds therefore, defendant states that:

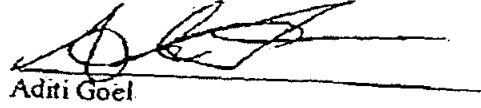
1. The police violated Mr. Campbell's right to be free from unreasonable searches and seizures by unlawfully searching Mr. Campbell's person and vehicle. U.S. Const. amends. IV, XIV; art. 14, Massachusetts Declaration of Rights.

As a result, any and all evidence and any and all statements obtained from the unlawful search and seizure of Mr. Campbell should be suppressed as fruits of the illegal actions of the government. Mr. Campbell requests an evidentiary hearing on this motion. After testimony is taken, counsel requests an opportunity to file a detailed memorandum of law in support of the motion to suppress.

Respectfully Submitted,

*\* Allowed: Trooper Hannon lawfully stopped Mr. Campbell's vehicle for failure to stop at a posted stop sign as required by law. However, the absence of Mr. Campbell's name on the "Enterprise"*

JAMIL CAMPBELL  
By His Counsel



Aditi Goel  
Committee for Public Counsel Services  
Public Defender Division  
10 Malcolm X Boulevard, Suite 2-1  
Roxbury, MA 02119  
Tel: (617) 989-8100  
Fax: (617) 541-0904

rental agreement without more is not  
sufficient justification under the circumstances  
presented for the arrest of Mr. Campbell  
for "use without authority or knowledge"  
the other consequences which befall  
Mr. Campbell as a result of the  
traffic stop by Trooper Campbell.  
The gun, ammunition and the statements  
made by Mr. Campbell should  
be suppressed and not admitted at  
trial.

Johnson  
July 1, 2014



cu

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

BOSTON MUNICIPAL COURT  
CENTRAL DIVISION  
CASE NO. 1301JC000587-2

COMMONWEALTH

v.

JAMIL CAMPBELL

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NOTICE OF APPEAL

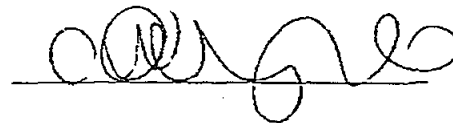
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The Commonwealth of Massachusetts, pursuant to Mass. R. Crim. P. 15(a)(2), and G.L. c. 278, § 28E, hereby respectfully appeals the judgment of this Honorable Court (Johnson, Charles) entered on July 11, 2014, allowing the Defendant's motion to suppress. The Commonwealth respectfully requests the clerk assemble the record for appeal.

Respectfully submitted  
For the Commonwealth,

DANIEL F. CONLEY  
DISTRICT ATTORNEY

By:



Caitlin K. Grasso  
Assistant District Attorney  
One Bulfinch Place  
Boston, Massachusetts 02114  
617-619-4054  
BBO # 682041

Dated: July 14, 2014

COMMONWEALTH OF MASSACHUSETTS  
BOSTON MUNICIPAL COURT

SUFFOLK, ss.

Central Division No. 1301JC000587-2

BOSTON MUNICIPAL COURT  
CENTRAL DIVISION

2014 JUL 21 PM 12:19

COMMONWEALTH

v.

JAMIL CAMPBELL

*Handwritten signature and date:*  
COYNE  
7/25/14

**COMMONWEALTH'S REQUEST FOR ADDITIONAL TIME TO FILE ITS  
APPLICATION FOR INTERLOCUTORY REVIEW**

Under Rule 15 of the Massachusetts Rules of Criminal Procedure, the party seeking interlocutory review must file a notice of appeal and application for interlocutory review within 10 days or request additional time to file the notice of appeal and application as is deemed necessary. *See* Mass.R.Crim.P. 15; *see also Commonwealth v. Jordan*, (SJC-11440), 2014 Mass. LEXIS 576, \*11 (July 14, 2014). Under this rule, the Commonwealth respectfully asks that this Court allow its request for additional time to file its application for interlocutory appeal for the following reasons:

1. Judge Johnson of the Boston Municipal Court, Central Division, held an evidentiary hearing on the defendant's motion to suppress on May 14, 2014. On the next court date, June 11, 2014, he had not yet issued a decision on the motion to suppress.
2. Judge Johnson retired on July 5, 2014.
3. The case was next called before Judge Coyne in the Central Division of the Boston Municipal Court on July 10, 2014. At that time, no decision on the motion to suppress appeared on the docket. Judge Coyne retained jurisdiction over the case.


4. On July 11, 2014, the trial prosecutor received a voicemail from the clerk's office that Judge Johnson had allowed the motion to suppress. The trial prosecutor subsequently filed a notice of appeal and a request for written findings.
5. On July 14, 2014, the trial prosecutor received a message from the judges' lobby at the Boston Municipal Court, Central Division, that Judge Johnson would be unavailable to provide written findings.
6. On July 16, 2014, the trial prosecutor received an email from defense counsel. Attached to it was Judge Johnson's allowance of the defendant's motion to suppress, dated July 1, 2014. The decision does not include any written findings. Judge Johnson's decision appeared to have been faxed from the clerk's office to defense counsel on July 16, 2014.
7. The appellate prosecutor was initially informed of the case on July 14, 2014. Because the appellate prosecutor was not present at the July 10, 2014 hearing before Judge Coyne, she requested a copy of the recording of the hearing to aid her in making a decision whether to appeal. The recording was received this morning.
8. Today, the Commonwealth is also filing a motion in the Boston Municipal Court to vacate the decision of Judge Johnson because it is invalid, and to schedule the case for a new evidentiary hearing.
9. In addition, the Commonwealth is today asking the single justice of the Supreme Judicial Court, pursuant to Mass. R. Crim. P. 15(b)(1), to grant it until August 4, 2014, to review the case for potential appeal and to file an application for interlocutory appeal with this Court.

Under Rule 15, the single justice of the trial court has the authority to grant additional time for the filing of an application for an interlocutory review. The Commonwealth respectfully requests that this Court grant it 14 additional days until August 4, 2014, to file an application for interlocutory review. The additional time is needed to adequately research the issues presented by this potential appeal and to write the application itself.

Wherefore, the Commonwealth respectfully requests that it be granted 14 additional days to file an application for interlocutory review.

Respectfully submitted  
FOR THE COMMONWEALTH,

DANIEL F. CONLEY  
DISTRICT ATTORNEY  
For the Suffolk District

  
HELLE SACHSE  
Assistant District Attorney  
BBO# 660937  
One Bulfinch Place  
Boston, MA 02114  
(617) 619-4070

July 21, 2014

**CERTIFICATE OF SERVICE**

I hereby certify, under the pains and penalties of perjury, that I have today made service on the defendant by directing that a copy of this notice be sent to him by first-class mail delivery:

Aditi Goel  
Staff Attorney  
Committee for Public Counsel Services  
10 Malcolm X Blvd., Suite 2-1  
Roxbury, MA 02119

  
HELLE SACHSE  
Assistant District Attorney

July 21, 2014



The Commonwealth of Massachusetts  
SUPREME JUDICIAL COURT

FOR SUFFOLK COUNTY

JOHN ADAMS COURTHOUSE

ONE PEMBERTON SQUARE, SUITE 1300

BOSTON, MASSACHUSETTS 02108-1707

WWW.SJCCOUNTYCLERK.COM

MAURA S. DOYLE  
CLERK

CASE INFORMATION (617) 557-1100

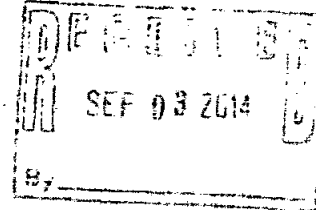
FACSIMILE (617) 557-1117

ATTORNEY SERVICES (617) 557-1050

FACSIMILE (617) 557-1055

September 2, 2014

Helle Sachse, Assistant District Attorney  
Office of the District Attorney/Suffolk  
One Bulfinch Place  
Boston, MA 02114-2997



RE: No. SJ-2014-0321

COMMONWEALTH

vs.

JAMIL CAMPBELL

Boston Municipal, Central Div.  
No.1301JC000587

NOTICE OF DOCKET ENTRY

You are hereby notified that on September 2, 2014, the following  
was entered on the docket of the above referenced case:

ORDER: Interlocutory appeal allowed; to Appeals Court. (Lenk, J.)

Maura S. Doyle, Clerk

To: Helle Sachse, Assistant District Attorney  
Aditi Goel, Esquire  
Boston Municipal Court - Central  
Appeals Court / Comm. of Mass.

CERTIFICATION

I hereby certify that, to the best of my knowledge, this brief complies with the rules of court that pertain to the filing of briefs, including those rules specified in Mass. R. App. P. 16(k).

A handwritten signature in dark ink, appearing to read "Helle Sachse", written in a cursive style.

Helle Sachse  
Assistant District Attorney

No. 2014-P-1377

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COMMONWEALTH OF MASSACHUSETTS

APPEALS COURT

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COMMONWEALTH OF MASSACHUSETTS,  
Appellant,

V.

JAMIL J. CAMPBELL,  
Defendant-Appellee

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BRIEF AND APPENDIX  
FOR THE COMMONWEALTH ON APPEAL  
FROM A JUDGMENT OF THE CENTRAL DIVISION OF THE  
BOSTON MUNICIPAL COURT

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SUFFOLK COUNTY